

95, Nov. 13

The Minnesota  
**State  
Register**

4

13 1995

LEGISLATIVE  
SERVICES DIVISION  
ST. PAUL, MINN. 55155



**Rules and Official Notices Edition**

Published every Monday (Tuesday when Monday is a holiday)  
by the

Minnesota Department of Administration – Print Communications Division

**Monday 13 November 1995**

**Volume 20, Number 20**

**Pages 1137-1190**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 20	Monday 13 November	Monday 30 October	Monday 6 November
# 21	Monday 20 November	Monday 6 November	Monday 13 November
# 22	Monday 27 November	Monday 13 November	Monday 20 November
# 23	Monday 4 December	Friday 17 November	Monday 27 November

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**Briefly-Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

#### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

**This Week**—weekly interim bulletin of the House.

**Session Summary**—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the  
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Health

### Proposed Permanent Rules Governing Essential Community Providers

**Introduction.** The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on December 13, 1995, a public hearing will be held on Wednesday, December 27, 1995. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after December 13, 1995, the end of the 30-day comment period and before December 27, 1995.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Irene Goldman, Minnesota Department of Health, Metro Square, 121 East 7th Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Ms. Goldman can be reached at 612-282-6327. The fax number is 612-282-3839. TDD users may call the Minnesota Department of Health at 612/623-5522.

**Accommodation.** If you need a reasonable accommodation for a disability in order to participate in the hearing process, such an accommodation can be made available upon advance request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. To arrange an accommodation, you may contact Marge Takash at the Minnesota Department of Health, Metro Square, 121 East 7th Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975 or you may call 612-282-5615 or TDD, 612-623-5522.

**Subject Of Rules And Statutory Authority.** The proposed rules will govern the procedures and standards under which entities will be designated essential community providers by the commissioner of health. The statutory authority to adopt the rules is *Minnesota Statutes*, section 62Q.19. A copy of the proposed rules is published in the *State Register*. The purpose of adopting these proposed rules is to enable health care providers to apply to the commissioner for designation as an essential community provider. The proposed rules address the following subjects: definitions; application form; application fee; criteria for designation by the commissioner; publication in *State Register*; provider contract requirements; refusal to contract; rate of payment; certificate of coverage requirements; prior authorization of services; other providers; conflict of interest; primary care provider; annual reports; enforcement provisions and procedures. A free copy of the rules is available upon request from Irene Goldman at the address or telephone number listed above. Additional copies of the rules will be available at the hearing.

**Comments.** You have until 4:30 p.m., Wednesday, December 13, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by Irene Goldman at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request For A Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by Irene Goldman at the address listed above by 4:30 p.m. on December 13, 1995. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be sup-

ported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation Of Hearing.** The hearing scheduled for December 27, 1995 will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Irene Goldman at 612-282-6327 after December 13, 1995 to find out whether the hearing will be held.

**Notice Of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Wednesday, December 27, 1995, in Conference Room LL56, Metro Square Building, 121 East 7th Place, St. Paul, Minnesota, 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7645.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office Of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office Of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

**Statement Of Need And Reasonableness.** A Statement Of Need And Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Irene Goldman at the address or telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office Of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

**Expenditure Of Public Money By Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

**Impact On Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Notice To Department Of Finance.** In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 5, pertaining to departmental charges, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's comments and recommendations are included in the Statement Of Need And Reasonableness.

**Notice To Chairs Of Certain Legislative Committees.** In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 4, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Ways And Means Committee and the Senate Finance Committee prior to submitting this notice to the *State Register*.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)-296-5148 or 1-800-657-3889.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Adoption Procedure If No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to Irene Goldman at the address listed above.

**Adoption Procedure After A Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice Of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to Irene Goldman at the address listed above at any time prior to the filing of the rules with the Secretary of State.

Signed: 27 October 1995

by Barbara C. Nerness  
Assistant Commissioner  
Anne M. Barry  
Commissioner

### Rules as Proposed (all new material)

#### 4688.0005 INCORPORATION BY REFERENCE.

The CPT 95 codes referenced in parts 4688.0020, item C, 4688.0040, subpart 6, and 4688.0160, item G, are incorporated by reference and are contained in the Physicians' Current Procedural Terminology, (CPT 95) 4th edition, 1994. It is subject to frequent change. It is published by and may be purchased from the American Medical Association, Order Department: SPO54195NW, OPO54195NQ, LPO54195NW, P.O. Box 10950, Chicago, Illinois 60610. It is available through the Minitex interlibrary loan system.

#### 4688.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in *Minnesota Statutes*, section 62Q.01, and this part have the meanings given them.

Subp. 2. **Child care.** "Child care" means those services or facilities that are appropriate to care for, supervise, or otherwise safely accommodate children.

Subp. 3. **Culturally sensitive and competent services.** "Culturally sensitive and competent services" means the ability to provide services that are receptive and sensitive to cultural differences as well as the awareness of behavior particular to a specific culture and the ability to carry out professional activities consistent with this awareness.

Subp. 4. **Essential community provider or ECP.** "Essential community provider" or "ECP" means an entity that has demonstrated the ability to integrate appropriate supportive and stabilizing services with medical services for uninsured persons, high risk and special needs populations, and underserved and other special needs populations.

Subp. 5. **High risk and special needs populations.** "High risk and special needs populations" has the meaning given in *Minnesota Statutes*, section 62Q.07, subdivision 2, paragraph (e).

Subp. 6. **Linguistic services.** "Linguistic services" means translation services and interpreter services that are appropriate to facilitate communication.

Subp. 7. **Local government unit.** "Local government unit" has the meaning given in *Minnesota Statutes*, section 62D.02, subdivision 11.

Subp. 8. **Sliding fee schedule.** "Sliding fee schedule" means a schedule of fee reductions designed to provide assistance to low income clients based on federal poverty guidelines and family size.

Subp. 9. **Transportation services.** "Transportation services" means those services that are appropriate to enable an ECP's clients to access health care from it.

#### 4688.0020 APPLICATION.

An application for ECP designation shall be made on forms provided by the commissioner. The applicant shall provide all of the information described in items A to G.

A. The name of the applicant's contact person and that person's address and telephone number.

B. The applicant's status as either:

- (1) a local government unit, an Indian tribal government, an Indian health service unit, or a community health board; or
- (2) evidence of *Minnesota Statutes*, chapter 317A, nonprofit status, *Internal Revenue Code*, section 501(c)(3), tax exempt status, a copy of the applicant's current sliding fee schedule, and evidence that the applicant does not restrict access or services because of the client's financial limitation.

C. A list of medical services provided, by Current Procedural Terminology 95 (CPT 95) codes or categories of Current Procedural Terminology 95 (CPT 95) codes.

D. Evidence of the applicant's capacity to provide medical services in a timely manner consistent with community norms, including the number and type of health professionals available and the applicant's appointment scheduling guidelines and procedures.

E. A list of which of the following populations the applicant serves: uninsured persons, high risk and special needs populations, and underserved and other special needs populations. In addition, the applicant must provide:

- (1) the total number of clients falling within the populations served annually; and
- (2) what percent of the applicant's total patient population falls within those populations.

F. A list of supportive and stabilizing services available including an explanation of how the need for services is assessed, how clients access the services, how these services are made available to clients in need of such services, and to what extent these services are used by clients. If specific supportive and stabilizing services are not available, an explanation of why the following services are unavailable or inappropriate for the specific populations served by the applicant:

- (1) transportation;
- (2) child care;
- (3) linguistic services;
- (4) culturally sensitive and competent services; and
- (5) other supportive and stabilizing services.

G. Other information related to qualification of the applicant for ECP designation as is reasonably necessary to enable the commissioner to carry out the duties under this chapter and *Minnesota Statutes*, section 62Q.19.

#### **4688.0030 APPLICATION FEE.**

A nonrefundable application fee of \$46 is required for each ECP application.

#### **4688.0040 CRITERIA FOR ECP DESIGNATION BY COMMISSIONER.**

Subpart 1. **Generally.** Upon receipt of a completed application for ECP designation, the commissioner of health shall determine whether the applicant satisfies all of the criteria in this part.

Subp. 2. **Medical care.** The applicant must provide medical care to uninsured persons, high risk and special needs populations, and underserved and other special needs populations as follows:

- A. the applicant must have sufficient personnel and facilities to provide timely medical care to its clients, consistent with community norms;
- B. the applicant must have appointment scheduling guidelines that fall within community norms;
- C. average waiting times must fall within community norms; and
- D. the applicant must monitor appointment scheduling and waiting times and takes corrective action if times do not fall within community norms.

Subp. 3. **Supportive and stabilizing services.** The applicant must provide or coordinate the provision of supportive and stabilizing services for uninsured persons, high risk and special needs populations, and underserved and other special needs populations in a manner that is appropriate to the populations served by the applicant as identified in the application and to the geographic area served by the applicant and must include the criteria in items A to D. If the applicant provides related services other than those

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listed, or if the service is not appropriate for the applicant to provide, the applicant shall report this, and provide an explanation, to the commissioner.

A. The applicant must provide at least one of the following transportation services:

- (1) coordination with community transportation services;
- (2) operation of bus or van service;
- (3) payment for public transportation services;
- (4) coordination with volunteer drivers; or
- (5) contracting with a licensed transportation vendor.

B. The applicant must provide at least one of the following child care services:

- (1) coordination with a licensed day care provider;
- (2) coordination with an unlicensed day care provider;
- (3) provision of child care on site;
- (4) coordination with community child care services; or
- (5) permitting children to accompany parents during medical visits.

C. The applicant must provide at least one of the following linguistic services:

- (1) coordination with community linguistic services;
- (2) coordination with certified interpreters;
- (3) coordination with qualified translators; or
- (4) professional and support staff who provide translation and interpretation services.

D. The applicant must provide at least one of the following culturally sensitive and competent services options:

- (1) some professional staff are from the culture of clients; or
- (2) provision of preservice and in-service training for all professional and support staff on cultural awareness and health issues affecting high risk and special needs clients.

**Subp. 4. Integration of supportive and stabilizing services with medical care.** The applicant must have developed and implemented a plan to identify the need for supportive and stabilizing services and to enable clients to access these services as available and appropriate in a timely manner.

**Subp. 5. Fees.** The applicant's sliding fee schedule must meet all of the following criteria:

- A. it has been adopted by the applicant's governing body;
- B. it is based on current federal poverty level guidelines and family size;
- C. the applicant informs its clients of the availability of the sliding fee schedule; and
- D. free care is available as needed in specific instances.

**Subp. 6. Services provided.** The applicant must list the medical services it provides by CPT 95 codes or groups of CPT 95 codes.

**Subp. 7. Basis for ECP designation.** The applicant must provide evidence that it satisfies the criteria under *Minnesota Statutes*, section 62Q.19, subdivision 1.

**Subp. 8. Federal qualification.** An applicant that has been designated a federally qualified health center or a rural health clinic under applicable federal regulations may attach a copy of the information it provided to the federal agency that addresses any of the information required under subparts 2 to 7, and so indicate in the ECP application.

### **4688.0050 REQUIREMENTS FOR CONTRACTS WITH HEALTH PLAN COMPANIES.**

A health plan company shall offer a provider contract to all designated ECPs located within the health plan company's approved service area. An ECP shall agree to contract with all health plan companies within whose approved service area the ECP is located. The provider contract shall be the same or substantially similar to those offered to health plan providers who provide the same type or category of services, unless the parties mutually agree to a different contract. The provider contract shall include all of the services designated by the commissioner to the extent the services are covered under any health plan company certificate of coverage. Every provider contract between a designated ECP and a health maintenance organization, community integrated service network, or integrated service network shall contain the provisions of *Minnesota Statutes*, section 62D.123.

**4688.0060 REFUSAL TO CONTRACT.**

A health plan company shall give written notice to the ECP of the basis for refusal to contract. A designated ECP that has been refused a provider contract may use the dispute resolution methods available under *Minnesota Statutes*, section 62Q.11.

**4688.0070 PAYMENT.**

The negotiated rate of payment between an ECP and a health plan company may be cost-based, fee-for-service, capitated, or other risk-sharing arrangement, unless the parties mutually agree to a different rate of payment. An ECP may be capitated only to the extent, and in the same manner, as other health plan company providers are capitated for the same or similar services. An ECP may file a complaint with the commissioner according to *Minnesota Statutes*, section 62Q.19, if it believes that the negotiated rate is not the same rate per unit of services as is paid to other health plan company providers for the same or similar services. An ECP that has been refused a provider contract because of inability to agree on the rate of payment may use the dispute resolution methods available under *Minnesota Statutes*, section 62Q.11.

**4688.0080 INFORMATION TO ENROLLEES.**

A health plan company shall inform its enrollees that designated ECPs are available to provide designated services to uninsured persons, high risk and special needs populations, and underserved and other special needs populations. The health plan company shall clearly inform enrollees how to access services at an ECP, including which services require prior authorization, and how to obtain prior authorization. Enrollees shall be provided with a toll-free telephone number to call the member services section of the health plan company with questions about access to ECPs.

**4688.0090 PRIOR AUTHORIZATION.**

A health plan company may require prior authorization for services provided by an ECP only to the same extent that it requires prior authorization for these services from other health plan providers. A health plan company shall not impose any additional or different prior authorization requirements or standards for services provided by an ECP than it does for the same services if provided by other health plan company providers.

**4688.0100 OTHER PROVIDERS.**

A health plan company may make other providers available to its high risk and special needs populations, and underserved and other special needs populations, for any and all services provided by an ECP. Nothing in this chapter requires that high risk and special needs populations, and underserved and other special needs populations be served exclusively by designated ECPs. It is the intent of this chapter that high risk and special needs populations and underserved and other special needs populations be provided a choice of providers, to the extent and in the manner provided by their certificate of coverage, which shall include designated ECPs.

**4688.0110 COVERAGE.**

Not all ECP services designated by the commissioner and contained in the contract between the ECP and the health plan company may be paid for under an enrollee's certificate of coverage. Designation of an entity as an ECP does not add benefits to an enrollee's certificate of coverage.

**4688.0120 CONFLICT OF INTEREST.**

A conflict of interest may arise when a local government unit owns a health plan and also owns and operates an ECP. In these circumstances, if an enrollee files a complaint against the health plan or the ECP, the local government unit shall:

- A. fully disclose in writing to every complainant that the health plan and the ECP are both owned and operated by local government unit;
- B. clearly explain in writing to every complainant that there is the potential for a conflict of interest when local government unit is both the provider and the contractor of the health service; and
- C. offer every complainant the option of filing the complaint with the appropriate state agency rather than with the health plan.

**4688.0130 PRIMARY CARE CLINIC.**

An ECP may be designated a primary care clinic by a health plan company.

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### 4688.0140 RESTRICTIONS ON SERVICES.

*Minnesota Statutes*, section 62Q.14, applies to the extent an ECP provides the services designated in that statute.

If a health plan company has a contract with an ECP, it may impose copayments only to the same extent and in the same manner that it imposes copayments for these services from other plan providers.

### 4688.0150 PENALTIES.

Upon being designated an ECP by the commissioner, the entity must continue to operate in compliance with the standards in this chapter and *Minnesota Statutes*, section 62Q.19.

Noncompliance may result in the imposition of a fine, or in suspension, modification, or revocation of the ECP designation in accordance with *Minnesota Statutes*, section 62Q.19.

### 4688.0160 ANNUAL REPORTS.

Every ECP shall file an annual report with the commissioner on or before March 1. This report shall be on forms prescribed by the commissioner and shall include all of the following information:

- A. verification of tax exempt status under *Internal Revenue Code*, section 501(c)(3), and *Minnesota Statutes*, chapter 317A, if appropriate;
- B. a copy of the sliding fee schedule currently in effect, if appropriate;
- C. transportation options currently available to clients, if appropriate;
- D. child care options currently available to clients, if appropriate;
- E. linguistic service options currently available to clients, if appropriate;
- F. culturally sensitive and competent services currently available to clients, if appropriate;
- G. medical services currently being provided reported by CPT 95 codes or groups of CPT 95 codes;
- H. the number of clients served during the previous 12 months who were uninsured, members of high risk and special needs populations, and members of underserved and other special needs populations; and
- I. other information relating to the continuing qualification of the entity for ECP designation as is reasonably necessary to enable the commissioner to carry out the duties under this chapter and *Minnesota Statutes*, section 62Q.19.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Prevailing Wage Determinations

#### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

The Department of Labor and Industry intends to adopt amendments to a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act. *Minnesota Statutes* § 14.22 to 14.29. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Eric Oelker  
Labor Standards Division  
Minnesota Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, Minnesota 55155  
Fax: (612) 215-0104

**Subject of Rule and Statutory Authority.** The proposed amendments change how the Department implements the prevailing wage statute which provides that persons employed on state funded construction projects be compensated according to the value of the work performed, and that the wages paid to laborers, workers, and mechanics be comparable to similar work in the community. The rules to be amended are for the procedures used to survey contractors and other interested parties in order to determine the minimum prevailing wage rates required on state funded construction projects. The purpose of the proposed amendments is to provide a selection process to ascertain the number and value of projects utilized in the wage survey, to make wage determinations for commercial type construction projects once each calendar year, to define the area for highway and heavy type wage determina-

tions as multi-county regions, to expand the existing list of trades and occupations used to determine prevailing wage rates, to provide a method to determine prevailing wage rates for labor classifications new to the construction market, and to provide a method to determine prevailing wage rates for labor classifications being used on a project, but not represented in the wage determination.

The Department has both general and specific rulemaking authority to adopt these proposed rules. *Minnesota Statutes* § 175.121(2) provides the Department's general rulemaking authority. Specific statutory authority regarding prevailing wages is found in *Minnesota Statutes* § 177.41 to 177.44.

**Comments.** You have until 4:30 p.m. on Wednesday, December 13, 1995 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, December 13, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraws their request in writing. If a public hearing is required the agency will follow the procedures in *Minnesota Statutes* § 14.13 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as (attached and) printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

**Small Business Considerations.** *Minnesota Statutes* § 14.155(1994) requires state agencies to consider methods for reducing the impact of proposed rules on small business when a proposed new rule may affect small businesses. The Department has determined that the adoption of these rules will have no direct or minimal effect upon small businesses. Any minor indirect effect upon small businesses is out weighed by the Department's need to define classifications of labor and to determine prevailing wage rates.

The private business affected by the implementation of these proposed rules are largely construction contractors involved in either highway and heavy, or building construction. Administratively, the affect of the modifications to contractors are two-fold.

First, the modifications change the way contractors are asked to submit reports of construction. Second, the modifications affect how wage determinations are issued for covered contracts. Both modifications are procedural and neither are expected to have a substantive effect on construction contractors.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes* § 14.11, Subdivision 1, requires an agency to include in its Notice of Intent to Adopt Rules a statement setting forth the agency's estimate of the total cost to all local bodies in the state to implement the proposed rules for the two years immediately following their adoption, if the estimated total costs exceeds \$100,000 in either of those two years. In consultation with the Department of Transportation, the Department of Labor and Industry predicted that the total cost in each of the following two years to local public bodies from the adoption of these new labor classifications will not exceed \$100,000.

**Impact on Agriculture Lands.** The Department of Labor and Industry has determined that the adoption of these amendments will not have a direct and substantial impact on agricultural land under *Minnesota Statutes* § 14.11, subp. 2 (1994).

**Effect upon Spanish Speaking People.** These rules do not have their primary effect on Spanish speaking people and therefore are not subject to *Minnesota Statutes* § 3.9223, subdivision 4 (1994).

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**Adoption and Review of Rule.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 30 October 1995

Gary W. Bastian  
Commissioner

### Rules as Proposed

#### 5200.1010 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. Adjacent county. "Adjacent county" means a county that shares a common border with another county.

[For text of subps 2 to 6, see M.R.]

#### 5200.1020 PREVAILING WAGE DETERMINATIONS.

Subpart 1. **Highway and heavy construction.** The department shall, at least once each calendar year, determine and certify prevailing wage rates applicable to state projects which are similar in nature to public and private highway and heavy construction projects where the estimated total cost of completing the project is \$25,000 or more.

Subp. 2. **Commercial type construction.** The department shall, upon the request of any state agency that is contemplating the advertisement for bids on a state project which is similar in nature to commercial construction projects, at least once each calendar year, determine and certify prevailing wage rates applicable to said state project if a certification has not been made within the 6-month period prior to the request projects which are similar in nature to public and private commercial projects where the estimated total cost of completing the project is \$2,500 or more.

Subp. 3. [See repealer.]

[For text of subps 4 to 7, see M.R.]

#### 5200.1030 BASIS FOR EACH DETERMINATION HIGHWAY AND HEAVY CONSTRUCTION DETERMINATIONS.

Subpart 1. ~~County and labor class basis Areas.~~ Individual prevailing wage rates shall be made on a county by county basis and each prevailing wage rate shall be based upon work performed solely within the applicable class of labor. Prevailing wage rates for highway and heavy construction projects must be based on work performed within distinct areas. The counties included in each area are listed in items A to J.

A. Area 1: Carlton, Cook, Itasca, Koochiching, Lake, Pine, and Saint Louis.

B. Area 2: Beltrami, Clearwater, Hubbard, Kittson, Lake of the Woods, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau.

C. Area 3: Aitkin, Cass, Crow Wing, Kanabec, Mille Lacs, Morrison, Todd, and Wadena.

D. Area 4: Becker, Big Stone, Clay, Douglas, Grant, Mahnomen, Otter Tail, Pope, Stevens, Swift, Traverse, and Wilkin.

E. Area 5: Benton, Isanti, Sherburne, Stearns, and Wright.

F. Area 6: Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Steele, Rice, Wabasha, and Winona.

G. Area 7: Blue Earth, Faribault, Le Sueur, Nicollet, Sibley, and Waseca.

H. Area 8: Chippewa, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Meeker, McLeod, Murray, Pipestone, Redwood, Renville, and Yellow Medicine.

I. Area 9: Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, and Washington.

J. Area 10: Brown, Cottonwood, Jackson, Martin, Nobles, Rock, and Watonwan.

Subp. 2. **Labor classes.** Prevailing wage rates must be determined on an area basis and each prevailing wage rate must be based upon work performed solely within the applicable class of labor. For each ~~county~~ area surveyed, the department shall issue wage determinations for:

A. highway and heavy construction projects for all classes of labor commonly or customarily used in these highway and heavy construction projects; and

B. state projects other than highway and heavy construction for all classes of labor expected to be used in the contemplated project for which the prevailing wage rate is being determined.

Subp. 2a. **Projects to be surveyed, criteria.** From information on file and submitted by interested persons, the department shall select projects of a character similar to the project for which the prevailing wage rate is being determined. The selections determinations shall be made from projects on which construction work was done in the 12 months preceding the survey and which are located in the county in which the contemplated project is located; or, if necessary, from adjacent counties area and where the estimated total cost of completing the project is \$25,000 or more.

A. If two or more projects of a character similar to the project contemplated have been performed in the county in which the project is to be located, and if this group of projects provides wage rate data for the major classes of labor to be used in the project for which the prevailing wage is being determined, the wage determination for those classes of labor shall be based solely upon that work A minimum of two projects in an area must be reported in order to issue a wage determination for the area.

B. A wage determination must be made for all classifications of labor utilized on a project. Where classes of labor expected to be utilized in the contemplated on a project for which the area prevailing wage determination is being made are not all represented in the projects in item A, but work was performed in those classes of labor in two or more projects in any county physically adjacent to the county being surveyed, the department shall establish the wage determination for those classes of labor based solely upon those adjacent county projects the most recent rate determined for the class of labor is applicable.

C. Where no work was performed in a class of labor either in the county being surveyed or in any adjacent Minnesota county, no wage rate will be determined for that class of labor. If work is performed by a class of labor not defined by part 5200.1100, Master Job Classifications, the contracting agency shall assign a wage rate and the Commissioner of Labor and Industry shall review and certify the assigned wage rate based on the most similar trade or occupation from the area wage determination. Within 90 days, the Commissioner of Labor and Industry must initiate the rulemaking procedure so that the classification will be defined in the Master Job Classifications in part 5200.1100.

D. In determining a wage rate for a class of labor based upon work performed in adjacent counties, all workers in a class of labor in all adjacent counties shall be totaled and the wage rates shall be based upon the wage rate paid to the largest number as determined in accordance with parts 5200.1020 to 5200.1060.

Subp. 3. [See repealer.]

#### **5200.1035 BASIS FOR COMMERCIAL CONSTRUCTION DETERMINATIONS.**

**Subpart 1. County and labor classes.** Prevailing wage rates must be made on a county-by-county basis and each prevailing wage rate must be based on work performed solely within the applicable class of labor. For each county surveyed, the department shall issue wage determinations for all classes of labor commonly or customarily used in commercial construction projects.

**Subp. 2. Projects to be surveyed, criteria.** From information on file and submitted by interested persons, the selections determinations shall be made from projects on which construction work was done in the 12 months preceding the survey, which are located in the county or, if necessary, from adjacent counties, and where the estimated total cost of completing the project is \$2,500 or more.

A. A minimum of two projects in a county must be reported in order to issue a wage determination for the county.

B. If classes of labor expected to be used in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, but work was performed in those classes of labor in two or more projects in any county adjacent to the county being surveyed, the department shall establish the wage determination for those classes of labor based solely upon those adjacent county projects.

C. In determining a wage rate for a class of labor based upon work performed in adjacent counties, all workers in a class of labor in all adjacent counties must be totaled and the wage rates must be based upon the wage rate paid to the largest number as determined in accordance with parts 5200.1020 to 5200.1060.

D. A wage determination must be made for all classifications of labor used on a project. Where classes of labor expected to be utilized in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, and not further determined in item B, the wage rate must remain the same as previously certified.

E. If work is performed by a class of labor not defined by part 5200.1100, Master Job Classifications, the Commissioner of

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Labor and Industry shall certify a wage rate which reflects the most similar trade or occupation from the project wage determination. Within 90 days, the Commissioner of Labor and Industry must initiate the rulemaking procedure so that the classification will be defined in the Master Job Classifications in part 5200.1100.

### 5200.1040 CLASSES OF LABOR.

Each class of labor shall be based upon the particular nature of the work performed with consideration given to those trades, occupations, skills, or work generally considered within the construction industry as constituting distinct classes of labor. Wage determinations will be issued for those separate classes of labor which fall under the following general classes:

A. Laborers.

B. Power equipment operators.

C. Truck drivers.

D. Special crafts. The following crafts shall constitute separate classes of labor: bricklayers, carpenters, cement masons, line persons, electricians, iron workers, painters, pipefitters, plumbers, plasterers, roofers, and sheet metal workers, and other labor or work which is customarily considered as an individual trade or craft based upon its character and skills required. ~~Workers reported as helpers shall be considered to be skilled laborers when making determinations.~~

E. In determining particular classes of labor, the department shall consider work classifications contained in collective bargaining agreements, apprenticeship agreements on file with the department, the "United States Department of Labor Dictionary of Occupational Titles," and customs and usage applicable to the construction industry.

F. Primary responsibility for classifying individual workers shall be upon the contractor.

G. Where a worker performs work in more than one class of labor on a project, the worker shall be ~~counted only once and~~ placed in the class in which the person worked the greatest number of hours.

H. The contractor reporting shall have the responsibility to determine the class in which the worker has worked the greatest number of hours on each project reported.

I. Workers employed within a class of labor as apprentices, helpers, supervisors, or trainees ~~at reduced wage rates~~ will not be included or counted within ~~that class of labor~~ the wage survey.

### 5200.1050 SURVEY PROCEDURES.

Subpart 1. **Scope.** The purpose of each ~~county~~ survey is to develop a data base upon which to determine prevailing wage rates for those classes of labor expected to be used on ~~contemplated~~ state projects based upon wage rates paid to the same classes of labor on similar projects in the area. In establishing the data, the procedural steps in subparts 2 to 4 shall be taken.

Subp. 2. **Wage reports.** The department shall regularly request from contractors, contractor organizations, labor organizations, and any other interested person, on forms available from or approved by the department, reports of construction wage rates paid by contractors on various types of highway and heavy projects where the estimated total cost of completing the project is \$25,000 or more and on commercial projects where the estimated total cost of completing the project is \$2,500 or more. The reports must be kept on file by the department according to the county or area in which the project for which the report is received was performed. The reports must list the name and address of the contractor, the name of the project, the location of the project, a description of the project, any identifying project numbers, a description of the work performed on the project, the approximate dollar cost of the project, the names of employees who worked 24 hours or more on the a highway and heavy project and eight hours or more on a commercial project, together with the class of labor for each employee, the wage rate paid each employee on the project, and the hourly cost of fringe benefits for health and welfare, pension, vacation, apprenticeship or training, and any other economic benefits paid for each employee. The forms shall be signed and dated by the organization or individual providing the information attesting that the information provided is true and correct.

[For text of subp 2a, see M.R.]

Subp. 2b. **Mailing lists.** The department shall also keep and maintain a mailing list of governmental officials, district, county, and city engineers, city clerks, administrators, and zoning officials for each county. The department shall also keep and maintain a mailing list of contractors, contractor associations, labor organizations, and other individuals who have requested to be on a mailing list to be notified when any ~~county~~ survey is about to be taken.

Subp. 2c. **Notification of survey.** Upon initiation of a ~~wage~~ survey, the department must notify the county engineer and all city engineers, city clerks, administrators, and zoning officials in the county to be surveyed. The notice will request local officials to submit reports of construction in the county in the preceding 12 months. The report shall include the names of the contractors and their addresses. The department must also notify all contractors, contractor associations, labor organizations, and other individuals who have requested to be notified when a survey for any county is about to be taken. That notice will request that interested individuals submit reports on forms available from or approved by the department concerning construction performed in the county

during the preceding 12 months. The notice shall state that all reports of construction in the county must be returned to the department no later than ~~33~~ 60 days following the date upon which the notice of the survey is mailed by the department. Information not timely received by the department shall not be used in establishing the prevailing wage rate for any class of labor. Any unsigned or incomplete forms received prior to the final date for receipt of the forms shall be returned to the individual, contractor, or labor organization, to the extent the individual, contractor, or labor organization can be identified, with a request that the form be properly completed. The department may use incomplete reports where the entity completing the form has provided all the information it has. If that form is not received by the department within 15 days from the date it is returned by mail to the individual, contractor, or labor organization, it shall be excluded from the survey. In no event shall information on unsigned reports of construction in the county be utilized in making wage determinations. All reports must be signed and dated by the organization or individual making the report attesting that the information provided is true and correct.

Subp. 3a. **Reports, attestations.** Reports of construction wage rates and local union wage and employment reports shall specify that the individual signing the report attests that the information on the report is true and correct. The form shall specify that willful falsification of any information on the report may result in civil or criminal prosecution. In addition, a person, organization, or company who willfully submits false information will not be allowed to submit information from one to three years and all information submitted by that entity must be excluded from the wage determination.

Subp. 3b. [See repealer.]

Subp. 4. **County abstract Area calculation record.** The number of workers in each class of labor and their respective wage rates shall be determined and reflected on a ~~county abstract~~ an area calculation record.

#### **5200.1060 DETERMINING LARGEST NUMBER OF WORKERS AND PREVAILING WAGE RATE.**

[For text of subpart 1, see M.R.]

Subp. 2. **Procedure.** For purposes of determining the largest number of workers, each worker within a class of labor and the worker's total hourly rate paid shall be tabulated.

A. Total hourly rate includes the hourly rate plus the hourly contribution for all wage and fringe benefits.

B. The largest number of workers with identical rates of pay within each classification shall determine the specific prevailing wage rate.

C. When determining the prevailing wage rate and there is an equal number of workers (which represent the greatest number of workers) with differing hourly wage rates, the prevailing wage rate shall be the highest wage rate paid to those workers.

Example: four workers at \$7 per hour; four workers at \$8 per hour; two workers at \$8.50 per hour. The prevailing wage rate will be determined as \$8 per hour.

D. Where a worker performs work ~~on in~~ more than one ~~project within the county class of labor,~~ the worker shall be counted only once ~~in the class of labor and at the wage rate paid on the most recent per project within the time period of the survey and placed in the class which the person worked the greatest number of hours.~~

Subp. 3. **Collectively bargained rate.** If the prevailing wage rate determined for any given class of labor represents a collectively bargained rate, then the comparable current collectively bargained rate for the class of labor in the ~~county where the project covered by the prevailing wage determination is located~~ area shall be the prevailing wage rate.

[For text of subps 4 and 5, see M.R.]

#### **5200.1080 NOTICE OF WAGE DETERMINATIONS.**

Upon certification of wage rates for a given county ~~or area,~~ the department shall publish notice of such certification in the *State Register* but need not publish the individual rates so certified. The certification date shall coincide with the date published in the *State Register*.

The notice published in the *State Register* shall indicate where copies of the determined rates may be obtained upon request.

The department shall maintain a list of all persons who request that copies of wage rate determinations be sent to them.

Copies of wage rate determinations shall be mailed within five days of their certification to those persons who have requested

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## Proposed Rules

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such notice and whose names appear on the list maintained by the department. The department may charge a reasonable fee for the copying and mailing of these notices as allowed under *Minnesota Statutes*, section 15.17, subdivision 4.

### 5200.1100 MASTER JOB CLASSIFICATIONS.

Subpart 1. **Requirement.** For purposes of parts 5200.1000 to 5200.1120, contractors must use the following codes and classifications in documenting classes of labor.

#### Subp. 2. Laborers.

Code No.	Position Title
101	Laborer, common (general labor work)
102	Laborer, skilled (assisting skilled craft journeyman)
103	Laborer, Landscaping (gardener, sod layer and nursery operator)
104	Flag person
105	Watch person
106	Blaster
107	Pipelayer (water, sewer and gas)
108	Tunnel miner
109	Underground and open ditch laborer (eight feet below starting grade level)

#### Subp. 3. Power equipment operators.

Code No.	Position Title
201	Air compressor operator
202	Asphalt, bituminous stabilizer plant operator
203	Dragline and/or other similar equipment with shovel type controls
204	Bituminous spreader and finishing operator
205	Bituminous spreader and bituminous finishing machine operator (helper)
206	Conveyor operator
207	Concrete distributor and spreader operator, finishing machine, longitudinal float operator, joint machine or spray operator
208	Concrete saw operator (multiple blade) (power operated)
209	Crushing plant operator (gravel and stone) or gravel washing, Crushing and screening plant operators
210	Curb machine
211	Front end loader operator up to and including one cubic yard and/or attachments
212	Fine grade operator
213	Fork lift operator
214	Front end loader operator, over one cubic yard but less than five cubic yards, and/or attachments
215	Helicopter pilot
216	Fire tender or tank car heater operator
217	Grader or motor patrol, finishing, earthwork and bituminous
218	Grader operator (motor patrol)
219	Greaser (truck and tractor)
220	Hoist engineer
221	Self propelled chip spreader
222	Mechanic or welder

- 223 Oilers (power shovel, crane, dragline)
- 224 Pick up sweeper
- 225 Pugmill operator
- 226 Roller operator, self propelled roller for compaction
- 227 Roller operator, up to eight tons for bituminous finishing and/or wearing courses
- 228 Roller operator, eight tons and over for bituminous finishing and/or wearing courses
- 229 Scraper, 32 cubic yards and over
- 230 Self propelled vibrating packing operator
- 231 Rubber tired tractor, back hoe attachment
- 232 Shouldering machine operator (power) (apsee or similar type)
- 233 Slip form (power-driven) (paving)
- 234 Scraper operator, up to 32 cubic yards
- 235 Tractor operator, wheel type, 50 h.p. or less
- 236 Tractor operator, bulldozer
- 237 Power actuated augers and boring machine
- 238 Truck crane oiler
- 239 Post driving machines and post hole augers
- 240 Tower crane
- 243 Front end loader operator, five cubic yards and over
- 244 Hydraulic backhoe, crawler type, up to three cubic yards, or other attachments
- 245 Hydraulic backhoe, crawler type, three cubic yards and over, or other attachments
- 246 Milling, grinding, and planing machine operator
- 247 Paving breaker
- 248 Tractor operator, wheel type, over 50 h.p.
- 249 Trenching machine
- 250 Truck or crawler crane operator
- 251 Air track rock drill
- 252 Batch plant operator (concrete)
- 253 Concrete mobile plant operator
- 256 Stump and tree chipper operator
- 257 Tree farmer (forest product machines)
- 258 Concrete pumper operator, or similar
- 259 Sheepfoot compactor with blade, 200 h.p. and over

Group 1

- 201 Helicopter pilot
- 202 Crane with over 135-foot boom, excluding jib
- 203 Dragline, crawler, hydraulic backhoe and/or other similar equipment with shovel-type controls three cubic yards and over manufacturer's rated capacity
- 204 Pile driving when three drums are in use
- 205 Tower crane

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## Proposed Rules

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### Group 2

- 206 Cableway
- 207 Concrete mixer, stationary plant
- 208 Derrick (guy or stiffleg) (power) (skids or stationary)
- 209 Dragline, crawler, hydraulic backhoe and/or similar equipment with shovel-type controls, up to three cubic yards manufacturer's rated capacity
- 210 Dredge or engineers, dredge (power) and engineer
- 211 Front end loader, five cubic yards and over
- 212 Grader or motor patrol
- 213 Locomotive crane operator
- 214 Mixer (paving) concrete paving, road mole, including mucking operations, conway or similar pile driving
- 216 Tractor - boom type
- 217 Truck crane - crawler crane
- 218 Tugboat 100 h.p. and over

### Group 3

- 219 Dual tractor
- 220 Elevating grader
- 221 Pumpcrete
- 222 Scraper - struck capacity 32 cubic yards and over
- 223 Self-propelled traveling soil stabilizer

### Group 4

- 224 Air track rock drill
- 225 Asphalt bituminous stabilizer plant
- 226 Automatic road machine (CMI or similar)
- 227 Backfiller operator
- 228 Concrete batch plant
- 229 Bituminous roller (eight tons and over)
- 230 Bituminous spreader and finishing (power)
- 231 Cat tractors with rock wagons or similar types
- 232 Chip harvester and tree cutter
- 233 Concrete mixer on jobsite
- 234 Concrete mobil
- 235 Crushing plant (gravel and stone) or gravel washing, crushing and screening plant
- 236 Curb machine
- 237 Dope machine (pipeline)
- 238 Drill rigs, heavy rotary or churn or cable drill
- 239 Fork lift or straddle carrier
- 240 Fork lift or lumber stacker
- 241 Front end loader, over one cubic yard
- 242 Hoist engineer (power)
- 243 Hydraulic tree planter
- 244 Launcher person (tanker person or pilot license)
- 245 Locomotive
- 246 Mechanic - welder
- 247 Milling, grinding, and planing machine
- 248 Multiple machines, such as air compressors, welding machines, generators, pumps

- 249 Pavement breaker or tamping machine (power driven) mighty mite similar type
- 250 Pickup sweeper, one cubic yard and over hopper capacity
- 251 Pipeline wrapping, cleaning or bending machine
- 252 Power plant engineer, 100 KWH and over
- 253 Power actuated horizontal boring machine, over six inches
- 254 Pugmill
- 255 Rubber-tired farm tractor, backhoe attachment
- 256 Scraper, up to 32 cubic yards
- 257 Skid steer loader, over one cubic yard with backhoe attachment
- 258 Slip form (power driven) (paving)
- 259 Tie tamper and ballast machine
- 260 Tractor, bulldozer
- 261 Trenching machine (sewer, water, gas)
- 262 Well point installation

**Group 5**

- 263 Air compressor, 600 CFM or over
- 264 Bituminous roller (under eight tons)
- 265 Concrete distributor and spreader finishing machine, longitudinal float, joint machine, and spray
- 266 Concrete saw (multiple blade) (power operated)
- 267 Form trench digger (power)
- 268 Front end loader, up to and including one cubic yard
- 269 Gunite gunall
- 270 Hydraulic log splitter
- 271 Loader (barber greene or similar type)
- 272 Post hole driving machine/post hole auger
- 273 Power actuated auger and boring machine
- 274 Power actuated jack
- 275 Pump
- 276 Self-propelled chip spreader (flaherty or similar)
- 277 Sheep foot compactor with blade - 200 h.p. and over
- 278 Shouldering machine (power) apSCO or similar type including self-propelled sand and chip spreader
- 279 Stump chipper and tree chipper
- 280 Tree farmer (machine)
- 281 Bituminous spreader and bituminous finishing machine operator (helper)

**Group 6**

- 282 Conveyor
- 283 Dredge deck hand
- 284 Fire person or tank car heater
- 285 Gravel screening plant (portable not crushing or washing)

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## Proposed Rules

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<u>286</u>	<u>Greaser (truck or tractor)</u>
<u>287</u>	<u>Lever person</u>
<u>288</u>	<u>Oiler (power shovel, crane, dragline, crushers, and milling machines)</u>
<u>289</u>	<u>Power sweeper</u>
<u>290</u>	<u>Roller on gravel compaction</u>
<u>291</u>	<u>Self-propelled vibrating packer</u>
<u>292</u>	<u>Sheep foot roller</u>
<u>293</u>	<u>Tractor, wheel type, over 50 h.p.</u>
<u>294</u>	<u>Truck crane oiler</u>

### Subp. 4. Truck drivers.

Code No.	Position Title
<u>300</u>	<u>Pilot car driver</u>
<u>301</u>	<u>Bituminous distributor driver</u>
<u>302</u>	<u>Dumper</u>
<u>303</u>	<u>Greaser and truck maintenance worker</u>
<u>304</u>	<u>Self propelled packer operator</u>
<u>305</u>	<u>Truck driver (hauling machinery for contractors own use including operation of hand or power operator winches</u>
<u>306</u>	<u>Single axle or two axle unit</u>
<u>307</u>	<u>Tandem axle or three axle unit</u>
<u>308</u>	<u>Four axle unit</u>
<u>309</u>	<u>Five axle unit</u>
<u>310</u>	<u>Six or more axle unit</u>

#### Group 1

<u>301</u>	<u>Mechanic - welder</u>
<u>302</u>	<u>Tractor trailer driver</u>
<u>303</u>	<u>Truck driver (hauling machinery including operation of hand and power operated winches)</u>

#### Group 2

<u>304</u>	<u>Four or more axle unit, straight body truck</u>
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#### Group 3

<u>305</u>	<u>Bituminous distributor driver</u>
<u>306</u>	<u>Bituminous distributor (one person operation)</u>
<u>307</u>	<u>Three axle units</u>

#### Group 4

<u>308</u>	<u>Bituminous distributor spray operator (rear and oiler)</u>
<u>309</u>	<u>Dump person</u>
<u>310</u>	<u>Greaser</u>
<u>311</u>	<u>Pilot car driver</u>
<u>312</u>	<u>Rubber-tired, self-propelled packer</u>
<u>313</u>	<u>Two axle unit</u>
<u>314</u>	<u>Slurry operator</u>
<u>315</u>	<u>Tank truck helper (gas, oil, road oil, and water)</u>
<u>316</u>	<u>Tractor operator, under 50 h.p.</u>

Subp. 4a. Unit. For the purposes of subpart 4, "unit" refers to all axles including the steering axle.

**Subp. 5. Special crafts.**

Code No.	Position Title
401	<del>Asbestos workers</del> <u>Heating and frost insulators</u>
402	Boilermakers
403	Bricklayers
404	Carpenters
405	Carpet layers (linoleum)
406	Cement masons
407	Electricians
408	Elevator constructors
409	Glaziers
410	Lathers
411	<del>Signaler</del> <u>Ground person</u>
412	Ironworkers
413	Lineman
414	Millwright
415	Painters
416	Piledriver
417	Pipefitters - steamfitters
418	Plasterers
419	Plumbers
420	Roofer
421	Sheet metal workers
422	Sprinkler fitters
423	Terrazzo workers
424	Tile setters
425	Drywall taper
<u>430</u>	<u>Wiring system technician</u>
<u>431</u>	<u>Wiring system installer</u>
435	Asbestos abatement worker
436	Sign erector

Subp. 6. Wage determinations. Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

**REPEALER.** Minnesota Rules, parts 5200.1020, subpart 3; 5200.1030, subpart 3; and 5200.1050, subpart 3b, are repealed.

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## Proposed Rules

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### Board of Medical Practice

#### Proposed Permanent Rules Relating to Fee Changes

##### Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Amendments to the Rule Governing Board Fees, *Minnesota Rules* 5600.0605, 5600.0610 and 5600.2500.

The Minnesota Board of Medical Practice intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule. A public hearing is not required to be held as provided by *Minnesota Statutes*, section 241.06 subdivision 3.

**Agency Contact Person.** Comments or questions on the rule must be submitted to:

H. Leonard Boche, Executive Director  
Suite 106  
2700 University Avenue West  
St. Paul, MN 55114

The Fax phone number is (612) 642-0393. Oral statements will be received during regular business hours over the telephone at (612) 642-0538 or MN Relay Service for Hearing and Speech Impaired ONLY at (612) 297-5353 or (800) 627-3529 and in person at the above address.

**Subject of Rule and Statutory Authority.** The proposed rule is about Board fees governing acupuncturists and physician assistants. The statutory authority to adopt this rule is found under Act of May 17, 1995, ch. 177, 1995 *Minnesota Laws* 603 and 604, Act of May 22, 1995, ch. 205, Art. 1, 1995 *Minnesota Laws* 993 and 1009, *Minnesota Statutes*, section 214.06 subdivision 2. (1994), and Act of May 25, 1995, ch. 233, Art. 2, 1995 *Minnesota Laws* 2105. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the rule is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on December 15, 1995, to submit comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during the comment period.

**Public Hearing Not Required.** *Minnesota Statutes*, section 214.06, subdivision 3. (1994) reads: Notwithstanding section 14.22, subdivision 1, clause (3), a public hearing is not required to be held when the health-related licensing boards need to raise fees to cover anticipated expenditures in a biennium. The notice of intention to adopt the rules, as required under section 14.22, must state that no hearing will be held. Based on *Minnesota Statutes*, section 214.06 subdivision 3., there will be no public hearing held regarding this proposed fee rule concerning acupuncture and physician assistant fees.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rule may not be substantially different than the proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

It is the position of the Board that it is not subject to *Minnesota Statutes*, section 14.115, regarding small business considerations in rulemaking. The basis for this position is addressed in the statement of need and reasonableness.

The Minnesota Board of Medical Practice has reviewed the proposed rules, and finds no evidence that rules would cause the expenditure of public money by any local public body.

The Minnesota Board of Medical Practice has reviewed the proposed rules, and finds that the subject matter of the rules is not related to agricultural land.

**Adoption and Review of Rule.** The agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings or to the Minnesota Attorney General's Office for review for legality as appropriate under the applicable statutes and rules. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the Minnesota Board of Medical Practice to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 27 October 1995

H. Leonard Boche  
Executive Director

**Rules as Proposed****5600.0605 LICENSE RENEWAL PROCEDURES.**

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item ~~K~~ E.

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before January 29, 1991, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item ~~E~~ B, for the licensure renewal occurring at the start of the conversion period.

[For text of item B, see M.R.]

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item ~~E~~ B.

[For text of item D, see M.R.]

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item ~~E~~ B.

[For text of subp 10, see M.R.]

**5600.0610 INITIAL LICENSE PROCEDURES.**

[For text of subpart 1, see M.R.]

Subp. 2. **Initial license.** An individual who is initially licensed by the board after January 29, 1991, shall pay the physician application and annual license fees listed in part 5600.2500, items ~~D~~ A and ~~E~~ B.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after January 29, 1991, will have a conversion period according to items A to F.

[For text of item A, see M.R.]

B. The full physician application fee and physician annual license fee found in part 5600.2500, items ~~D~~ A and ~~E~~ B, will be charged to the individual at the start of the conversion period.

[For text of item C, see M.R.]

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item ~~E~~ B.

[For text of item E, see M.R.]

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item ~~E~~ B.

**5601.0300 CONTENTS OF APPLICATION.**

The application must be submitted on forms prepared by the board together with the fees fee described under part 5600.2500, items ~~L~~ and ~~M~~ item G. To be complete, the application must include the following information:

[For text of items A to P, see M.R.]

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## Proposed Rules

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### 5600.2500 FEES.

The fees charged by the board are fixed at the following rates:

- A. physician application fee, \$200;
- B. physician annual license, \$168;
- C. physician endorsement to other states, \$40;
- D. physician emeritus license, \$50;
- E. physician temporary licenses, \$60;
- F. physician late fee, \$60;
- G. physical therapist application fee, \$100;
- H. physical therapist annual registration, \$60;
- I. physical therapist late fee, \$20;
- J. physical therapist temporary permit, \$25;
- K. physician assistant application fee, \$120;
- L. physician assistant annual registration (prescribing), \$135;
- M. physician assistant annual registration (nonprescribing), \$115;
- N. physician assistant temporary registration, \$115;
- O. physician assistant temporary permit, \$60;
- P. physician assistant locum tenens permit, \$25;
- Q. physician assistant late fee, \$50;
- R. acupuncture temporary permit, \$60;
- S. acupuncture inactive status fee, \$50;
- T. duplicate license or registration fee, \$20;
- ~~L~~-U. certification letter, \$25;
- M-~~V~~. verification of status, \$10;
- N-~~W~~. education or training program approval fee, \$100;
- O-~~X~~. report creation and generation, \$60 per hour billed in quarter-hour increments with a quarter-hour minimum; and
- P-~~Y~~. examination administrative fee:
  - (1) half day, \$50; and
  - (2) full day, \$80.

The renewal cycle for physician assistants under items L and M begins July 1. The duration of the permit issued under item P is one year.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Board of Dentistry

### Adopted Permanent Rules Relating to License and Registration Fees

The rules proposed and published at *State Register*, Volume 20, Number 12, pages 493-494, September 18, 1995 (20 SR 493), are adopted as proposed.

## Department of Labor and Industry

### Adopted Exempt Rules Relating to Workers' Compensation; Medical Services and Fees

NOTICE IS HEREBY GIVEN that the amendments to the Workers' Compensation Relative Value Medical Fee Schedule, *Minnesota Rules*, part 5221.4040, subp. 2a, published in the *State Register* on September 25, 1995, incorrectly included certain pathological/laboratory procedural codes. The correction to the amendment, omitting the erroneously included codes, is adopted as shown below in accordance with *Minnesota Statutes*, Section 176.136, subdivision 1a (*Laws of Minnesota, 1995*, chapter 231, article 2, section 64). This corrected amendment is effective for services on or after October 2, 1995.

Dated: 2 November 1995

Gary W. Bastian  
Commissioner

#### Rules as Adopted

#### 5221.4040 PATHOLOGY AND LABORATORY PROCEDURE CODES.

##### Subpart 1. Key to abbreviations and terms.

A. Column 1 in subpart ~~2~~ 2a is labeled "CPT/HCPCS procedure code." This is the specific code intended to identify the health care service described in column 2.

B. Column 2 in subpart ~~2~~ 2a is labeled "CPT/HCPCS description." This is a short narrative description of the procedure code. A complete description of the service appears in the CPT or HCPCS Manual in effect on the date the service was rendered.

C. Column 3 in subpart ~~2~~ 2a is labeled "total RVU." These are the total relative value units for the service.

##### Subp. 2a. List of pathology and laboratory procedure codes.

#### CPT/HCPCS

#### Procedure

Code	CPT/HCPCS Description	Total RVU
80007	7 Clinical chemistry tests	0.74
80500	Lab pathology consultation	0.48
80502	Lab pathology consultation	1.40

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

### CPT/HCPCS

#### Procedure

Code	CPT/HCPCS Description	Total RVU
81000	Urinalysis with microscopy	0.22
81002	Urinalysis without scope	0.12
82565	Assay blood creatinine	0.09
82947	Assay body fluid, glucose	0.35
<del>83020</del>	<del>Assay hemoglobin</del>	<del>0.48</del>
<del>83942</del>	<del>Genetic examination</del>	<del>0.48</del>
84132	Assay blood potassium	0.22
84165	Assay serum proteins	0.48
84181	<del>Western blot test</del>	<del>0.48</del>
84182	Protein, western blot test	0.48
84295	Assay blood sodium	0.28
85007	Differential white blood cell count	0.26
85014	Hematocrit	0.14
85018	Hemoglobin, colorimetric	0.17
85021	Automated hemogram	0.23
85022	Automated hemogram	0.40
85023	Automated hemogram	0.50
85024	Automated hemogram	0.43
85025	Automated hemogram	0.61
85031	Manual hemogram, complete CBC	0.44
85048	White blood cell (WBC) count	0.15
85060	Blood smear interpretation	0.57
85095	Bone marrow aspiration	1.48
85097	Bone marrow interpretation	1.20
85100	Bone marrow examination	2.83
85101	Aspirate, stain bone marrow	1.61
85102	Bone marrow biopsy	1.83
85103	Bone marrow biopsy and exam	1.27
85105	Bone marrow, interpretation	0.90
85109	Bone marrow preparation	0.98
<del>85390</del>	<del>Fibrinolysis screen</del>	<del>0.48</del>
85576	Blood platelet aggregation	0.48
85580	Blood platelet count	0.34
85610	Prothrombin time	0.25
85651	RBC sedimentation rate	0.17
85730	Thromboplastin time, partial	0.34
86068	Blood compatibility test	0.55
86077	Physician blood bank service	0.57
86078	Physician blood bank service	1.08
86079	Physician blood bank service	0.59
86083	Blood typing; antibody screen	0.75
86255	<del>Fluorescent antibody; screen</del>	<del>0.48</del>
86256	Fluorescent antibody; titer	0.48
86320	Serum immunoelectrophoresis	0.48
86325	Other immunoelectrophoresis	0.48
86327	Immunoelectrophoresis assay	0.48
86334	Immunofixation procedure	0.48
86455	Reduced allergy skin test	0.33
86490	Coccidioidomycosis skin test	0.24
86510	Histoplasmosis skin test	0.26
86540	Mumps skin test	0.21
86580	TB intradermal test	0.21
86585	TB tine test	0.16
87040	Blood culture for bacteria	0.89

CPT/HCPCS

Procedure

Code	CPT/HCPCS Description	Total RVU
87070	Culture specimen, bacteria	0.45
<del>87164</del>	<del>Dark field examination</del>	<del>0.48</del>
<del>87207</del>	<del>Smear, stain and interpret</del>	<del>0.48</del>
88104	Microscopic exam of cells	0.85
<del>88104</del>	<del>Microscopic exam of cells</del>	<del>0.67</del>
<del>88104</del>	<del>Microscopic exam of cells</del>	<del>0.18</del>
88106	Microscopic exam of cells	0.79
<del>88106</del>	<del>Microscopic exam of cells</del>	<del>0.64</del>
<del>88106</del>	<del>Microscopic exam of cells</del>	<del>0.15</del>
88107	Microscopic exam of cells	1.04
<del>88107</del>	<del>Microscopic exam of cells</del>	<del>0.85</del>
<del>88107</del>	<del>Microscopic exam of cells</del>	<del>0.20</del>
88108	Cytopathology	0.88
<del>88108</del>	<del>Cytopathology</del>	<del>0.68</del>
<del>88108</del>	<del>Cytopathology</del>	<del>0.20</del>
88125	Forensic cytopathology	0.31
<del>88125</del>	<del>Forensic cytopathology</del>	<del>0.28</del>
<del>88125</del>	<del>Forensic cytopathology</del>	<del>0.03</del>
<del>88151</del>	<del>Cytopathology interpretation</del>	<del>0.64</del>
<del>88157</del>	<del>TBS smear (bethesda system)</del>	<del>0.64</del>
88160	Cytopathology	0.71
<del>88160</del>	<del>Cytopathology</del>	<del>0.56</del>
<del>88160</del>	<del>Cytopathology</del>	<del>0.14</del>
88161	Cytopathology	0.76
<del>88161</del>	<del>Cytopathology</del>	<del>0.59</del>
<del>88161</del>	<del>Cytopathology</del>	<del>0.17</del>
88162	Cytopathology, extensive	1.31
<del>88162</del>	<del>Cytopathology, extensive</del>	<del>0.99</del>
<del>88162</del>	<del>Cytopathology, extensive</del>	<del>0.32</del>
88170	Fine needle aspiration	1.28
<del>88170</del>	<del>Fine needle aspiration</del>	<del>0.87</del>
<del>88170</del>	<del>Fine needle aspiration</del>	<del>0.41</del>
88171	Fine needle aspiration	2.04
<del>88171</del>	<del>Fine needle aspiration</del>	<del>1.49</del>
<del>88171</del>	<del>Fine needle aspiration</del>	<del>0.55</del>
88172	Evaluation of smear	1.11
<del>88172</del>	<del>Evaluation of smear</del>	<del>0.81</del>
<del>88172</del>	<del>Evaluation of smear</del>	<del>0.30</del>
88173	Interpretation of smear	1.65
<del>88173</del>	<del>Interpretation of smear</del>	<del>1.29</del>
<del>88173</del>	<del>Interpretation of smear</del>	<del>0.35</del>
88180	Cell marker study	0.59
<del>88180</del>	<del>Cell marker study</del>	<del>0.45</del>
<del>88180</del>	<del>Cell marker study</del>	<del>0.14</del>
88182	Cell marker study	1.41
<del>88182</del>	<del>Cell marker study</del>	<del>1.03</del>
<del>88182</del>	<del>Cell marker study</del>	<del>0.38</del>
88300	Surg. path, gross	0.24
<del>88300</del>	<del>Surg. path, gross</del>	<del>0.15</del>

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## Adopted Rules

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### CPT/HCPCS

Procedure Code	CPT/HCPCS Description	Total RVU
88300	<del>Surg. path, gross</del>	0.08
88302	Tissue exam by pathologist	0.48
88302	<del>Tissue exam by pathologist</del>	0.28
88302	<del>Tissue exam by pathologist</del>	0.20
88304	Tissue exam by pathologist	0.71
88304	<del>Tissue exam by pathologist</del>	0.43
88304	<del>Tissue exam by pathologist</del>	0.28
88305	Tissue exam by pathologist	1.52
88305	<del>Tissue exam by pathologist</del>	1.09
88305	<del>Tissue exam by pathologist</del>	0.43
88307	Tissue exam by pathologist	2.64
88307	<del>Tissue exam by pathologist</del>	2.01
88307	<del>Tissue exam by pathologist</del>	0.64
88309	Tissue exam by pathologist	3.56
88309	<del>Tissue exam by pathologist</del>	2.76
88309	<del>Tissue exam by pathologist</del>	0.79
88311	Decalcify tissue	0.38
88311	<del>Decalcify tissue</del>	0.30
88311	<del>Decalcify tissue</del>	0.08
88312	Special stains	0.67
88312	<del>Special stains</del>	0.57
88312	<del>Special stains</del>	0.10
88313	Special stains	0.38
88313	<del>Special stains</del>	0.30
88313	<del>Special stains</del>	0.08
88314	Histochemical stain	0.91
88314	<del>Histochemical stain</del>	0.68
88314	<del>Histochemical stain</del>	0.23
88318	Chemical histochemistry	0.55
88318	<del>Chemical histochemistry</del>	0.46
88318	<del>Chemical histochemistry</del>	0.10
88319	Enzyme histochemistry	0.87
88319	<del>Enzyme histochemistry</del>	0.67
88319	<del>Enzyme histochemistry</del>	0.20
88321	Microslide consultation	1.44
88323	Microslide consultation	1.75
88323	<del>Microslide consultation</del>	1.47
88323	<del>Microslide consultation</del>	0.28
88325	Comprehensive review of data	2.27
88329	Pathology consult in surgery	0.88
88331	Pathology consult in surgery	1.94
88331	<del>Pathology consult in surgery</del>	1.48
88331	<del>Pathology consult in surgery</del>	0.46
88332	Pathology consult in surgery	0.98
88332	<del>Pathology consult in surgery</del>	0.74
88332	<del>Pathology consult in surgery</del>	0.23
88342	Immunocytochemistry	1.26
88342	<del>Immunocytochemistry</del>	0.99
88342	<del>Immunocytochemistry</del>	0.26
88346	Immunofluorescent study	1.22
88346	<del>Immunofluorescent study</del>	0.99
88346	<del>Immunofluorescent study</del>	0.23
88347	Immunofluorescent study	1.09
88347	<del>Immunofluorescent study</del>	0.86

CPT/HCPCS

Procedure

Code	CPT/HCPCS Description	Total RVU
<del>88347</del>	<del>Immunofluorescent study</del>	<del>0.23</del>
88348	Electron microscopy	3.22
<del>88348</del>	<del>Electron microscopy</del>	<del>2.29</del>
<del>88348</del>	<del>Electron microscopy</del>	<del>0.94</del>
88349	Scanning electron microscopy	1.97
<del>88349</del>	<del>Scanning electron microscopy</del>	<del>1.32</del>
<del>88349</del>	<del>Scanning electron microscopy</del>	<del>0.66</del>
88355	Analysis, skeletal muscle	3.05
<del>88355</del>	<del>Analysis, skeletal muscle</del>	<del>2.34</del>
<del>88355</del>	<del>Analysis, skeletal muscle</del>	<del>0.70</del>
88356	Analysis, nerve	4.81
<del>88356</del>	<del>Analysis, nerve</del>	<del>3.73</del>
<del>88356</del>	<del>Analysis, nerve</del>	<del>1.08</del>
88358	Analysis, tumor	4.35
<del>88358</del>	<del>Analysis, tumor</del>	<del>3.36</del>
<del>88358</del>	<del>Analysis, tumor</del>	<del>0.99</del>
88362	Nerve teasing preparations	3.50
<del>88362</del>	<del>Nerve teasing preparations</del>	<del>2.68</del>
<del>88362</del>	<del>Nerve teasing preparations</del>	<del>0.83</del>
88365	Tissue hybridization	1.42
<del>88365</del>	<del>Tissue hybridization</del>	<del>1.11</del>
<del>88365</del>	<del>Tissue hybridization</del>	<del>0.31</del>
<del>88371</del>	<del>Protein, western blot tissue</del>	<del>0.48</del>
<del>88372</del>	<del>Protein analysis with probe</del>	<del>0.48</del>
<del>89060</del>	<del>Exam, synovial fluid crystals</del>	<del>0.48</del>
89100	Sample intestinal contents	0.86
89105	Sample intestinal contents	0.76
89130	Sample stomach contents	0.73
89132	Sample stomach contents	0.33
89135	Sample stomach contents	1.16
89136	Sample stomach contents	0.37
89140	Sample stomach contents	1.49
89141	Sample stomach contents	1.34
89350	Sputum specimen collection	0.34
89360	Collect sweat for test	0.37
<del>P3001</del>	<del>Screening pap smear by phys.</del>	<del>0.64</del>

EFFECTIVE DATE. Minnesota Rules, part 5221.4040, subpart 2a, is effective for services provided on or after October 2, 1995.

## Pollution Control Agency

### Adopted Permanent Rules Relating to Adoption of Federal Regulations

The rules proposed and published at *State Register*, Volume 19, Number 45, pages 2212-2214, May 8, 1995 (19 SR 2212), are adopted as proposed.

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# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Agriculture

### Agronomy Services Division

#### Notice of Retreat for the Minnesota Agricultural Chemical Response Compensation Board

The Agricultural Chemical Response Compensation Board (ACRRA Board) will meet on Friday, November 17, 1995, 9:00 a.m. - 3:00 p.m. for a board retreat. The retreat will be held at Minnesota Department of Agriculture - 90 West Plato Boulevard, St. Paul, Minnesota. The general public may attend the meeting, but discussions and comment will be limited to Board members and staff only. If you plan on attending you must RSVP the ACRRA staff by Wednesday, November 15, 1995.

Please call the ACRRA Program, (612) 297-3490 should you require additional information.

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notices of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on **November 29, 1995, at 9 A.M.** in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 80 acres of bare farmland** located in **Section 18, Transit Township, Sibley County, Minnesota** on behalf of **Todd K. Trebelhorn**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$95,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 November 1995

Jim Boerboom  
RFA Director

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on **November 29, 1995, at 9 A.M.** in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 189 acres of bare farmland** located in **Section 4 & 5, Sundown Township, Redwood County, Minnesota** on behalf of **Steven & Joleen MacHolda**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$220,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 November 1995

Jim Boerboom  
RFA Director

## **Minnesota Agricultural and Economic Development Board**

### **Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A**

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on Thursday, November 28, 1995, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, St. Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issues of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Bolger Publications, Inc., a Minnesota corporation and Como Partnership, a Minnesota Partnership (collectively, the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The Project to be financed consists of the acquisition, renovation, construction, improvement and equipping of manufacturing facilities in the cities of Minneapolis, Minnesota and St. Paul, Minnesota located at 2575 Como Avenue S.E. Minneapolis, Minnesota and St. Paul, Minnesota and 3301 Como Avenue S.E. Minneapolis, Minnesota and St. Paul, Minnesota (the "Project"). The initial owner of the Project will be the Applicant and the Project is expected to be owned, operated and managed by the Applicant. It is contemplated that the Project will be used primarily for the manufacture of printing products and related activities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$6,500,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the Offices of the Board at 500 Metro Square, 121 7th Place East, St. Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 6 November 1995

By Order of the Members of  
the Minnesota Agricultural and  
Economic Development Board  
Paul Moe, Executive Director  
Minnesota Agricultural and  
Economic Development Board

## **Office of the Attorney General**

### **Meeting Notice Regarding Proposed Revisions to "Landlords and Tenants" Brochure**

Pursuant to *Minnesota Statute* 504.22 subdivision 4a, the Attorney General's Office will hold a public meeting regarding proposed revisions to the brochure, "Landlords and Tenants: Rights and Responsibilities." The meeting will be held on Friday, November 17, 1995, from 10:00 to 10:45 a.m., at 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101. If anyone attending needs a reasonable accommodation, please contact Allison O'Toole at (612) 215-1533 by Wednesday, November 15.

We'd also be happy to take comments by mail, phone or fax. Please contact Allison O'Toole at (612) 215-1533, to request the revised brochure text. She will take comments by phone at (612) 215-1533, by fax at (612) 296-9663, or by mail at 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101.

## Official Notices

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### Chiropractic Board

#### Notice of Solicitation of Outside Information or Opinions Regarding *Minnesota Rules* Chapter 2500.2050, 2500.2060, and 2700.2070

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners (MBCE) is seeking information or opinions from sources outside the agency in preparing to repeal rules governing inactive retired status license. The MBCE is proposing to repeal these rules because new rules defining a voluntarily retired license status make inactive retired license status rules ineffective. The amendment of these rules is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105.

Groups and individuals who are likely to be affected by these rules are Minnesota chiropractors holding inactive retired licenses. This group of licensees will be contacted directly for any opinions or information they may have about the repeal of these rules.

Other interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Rules Committee, MBCE, 2700 University Avenue West, Suite 20, St. Paul, MN 55114-1089. Written comments on the possible revisions will be accepted until further notice or until a Notice of Intent to Adopt or a Notice of Hearing is published in the *State Register*. Any written material received by the MBCE shall become part of the rulemaking record to be submitted to the office of administrative hearing in the event that the amendments are adopted.

Drafts of all proposed rules will automatically be sent to any persons who have requested in writing that their name be included on the MBCE rulemaking mailing list. Drafts of proposed rules will be mailed prior to the publication in the *State Register* of the Notice of Intent to Adopt or Notice of Hearing.

Dated: 30 October 1995

Larry A. Spicer, D.C.  
Executive Director

### Department of Health and Pollution Control Agency

#### Notice of Solicitation of Information or Opinions in the Matter of Rules Relating to Water and Wastewater Treatment Operator Certification, *Minnesota Rules*, Chapter 9400

**Subject of Rule.** The Minnesota Department of Health (MDH) and the Minnesota Pollution Control Agency (MPCA) are jointly seeking information or opinions in preparing to revise existing *Minnesota Rules* relating to the: 1) classification of public water supply systems and certification of water treatment operators; and 2) classification of wastewater treatment facilities and certification of wastewater treatment operators. Standards for classification and certification are contained in existing *Minnesota Rules*, chapter 9400.

The MDH and MPCA are proposing to update the existing rules.

- Changes were made in 1995 legislation (*Laws of Minnesota* 1995, Chapter 180). The new law transferred rulemaking and certification authority from the water and wastewater operator council to the MDH and MPCA. Modification of the rules are needed to address the change in authority.
- Federal and state rule requirements for monitoring and testing of public water supplies and the treatment of wastewater have changed. The rules for the system and facility classification and operators must be modified to reflect changes in knowledge and responsibilities.
- Changes in technology has occurred since the rules were last revised. These technology changes must be addressed in the requirements for operator certification and system and facility classification.
- Experience with the certification system has prompted the need for clarification of requirements administered by each state agency.

**Parties affected.** Parties impacted by the rules include the certified operators of public water supply systems and wastewater treatment facilities; those seeking certification; the owners of systems and facilities such as local units of government, manufactured home parks and resorts; and persons interested in Minnesota water quality.

**Statutory authority.** Authority for the Commissioner of Health jointly with the Minnesota Pollution Control Agency to adopt rules is contained in *Minnesota Statutes*, section 155.72 as amended by *Laws of Minnesota* 1995, chapter 180, section 7. MDH has responsibility to classify public water supply systems and certify individuals who operate water treatment systems. MPCA has responsibility to classify wastewater treatment systems and certify individuals who operate wastewater treatment facilities.

**Public comment.** The MPCA and MDH anticipate adoption of revised rules by July 1996. A copy of this notice will be mailed to all parties who have registered their names with each department for purposes of notice of rulemaking activity under *Minnesota Statutes*, section 14.14. The agencies shall also notify the operators of public water supply and wastewater systems with a discretionary mailing and through notice in newsletters to affected parties.

The agencies will discuss rule provisions with the members of the advisory council on water supply systems and wastewater treatment facilities established under *Minnesota Statutes*, section 115.741. This council is composed of 11 members including certified water supply system operators appointed by the commissioner of health, certified wastewater treatment facility operators appointed by the commissioner of the pollution control agency, one person representing a municipality and two members of the public. At least one member from a system and one from a facility are from an area outside the seven county metropolitan area. One wastewater operator is from the Metropolitan Council Environmental Services facility.

If you want to be informed of the time and location of the council advisory meetings, or to receive a copy of draft or proposed rules, provide a written request to:

Karla Peterson  
Minnesota Department of Health  
121 E. Seventh Place, P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
(612) 215-0761 Facsimile: (612) 215-0979  
TDD: (612) 623-5522 or 1-800-627-3529

Comment on the subject matter of these rules, with respect to public water supplies, should be submitted to Ms. Peterson.

Comment on the subject matter of these rules, with respect to wastewater facilities, should be submitted to:

Dianne Navratil  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-9269 Facsimile: (612) 297-8683  
TDD: (612) 297-5353 or 1-800-627-3529

Interested or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be addressed to Ms. Peterson or Ms. Navratil. Oral statements will be received during regular business hours over the telephone and in person at the above addresses. All statements of information will be accepted until the proposed rules are published in the *State Register*. Any written material received by the MDH and MPCA in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt rules is started.

Charles W. Williams, Commissioner  
Pollution Control Agency

Patricia A. Bloomgren, Director  
Division of Environmental Health  
Department of Health

This notice can be made available in alternative formats.

## Department of Health

### Planned Rules: Notice of Solicitation of Information or Opinions on Planned Rules Relating to Wellhead Protection for Public Water Supplies

**Subject of Rule.** The Minnesota Department of Health (MDH) is seeking information or opinions on the development of new rules relating to wellhead protection plans for public water supplies. [The department initially published formal notice of its intent to develop wellhead protection rules in the *State Register* February 8, 1993 (17 S.R. 1961). Because of changes in the rule notification process adopted by the 1995 legislature the department is providing additional notice on this matter.]

States are required to develop wellhead protection programs under provisions of the federal Safe Drinking Water Act of 1986. The purpose of wellhead protection is to prevent human-made contaminants that are harmful to people from entering the 13,000 public water supply wells operated by the 9,657 public water supply systems in the state. The wellhead protection rule is intended to specify that parties that own a public water supply well must develop and implement measures to protect that well from contaminants.

**Parties affected.** Parties impacted by the rules are parties interested in Minnesota water quality and the owners of public water supply wells that serve 25 or more persons for 60 days a year. Public water supply wells are classified as:

- community wells. These have 15 or more service connections or serve 25 or more resident users. These usually serve municipalities, mobile home parks, housing subdivisions, colleges, hospitals and correctional facilities. There are 931 community water supply systems in Minnesota with 2,400 wells.
- nontransient noncommunity wells. These wells serve 25 or more nonresident users and typically include schools, factories and some commercial and office buildings. There are 700 systems with about 1,000 wells.
- transient noncommunity wells. These serve 25 or more persons who do not usually drink water from the well on a daily basis. Such a well often serves churches, parks, rest stops, campgrounds, restaurants, golf courses and small commercial businesses and government facilities. There are about 8,000 of these systems with about 10,000 wells.

**Statutory authority.** Authority for the Commissioner of Health to adopt rules relating to wellhead protection is contained in *Minnesota Statutes*, section 103I.101, subdivision 5, clauses (8) and (9).

Clause (8) authorizes the commissioner of health to adopt rules including the "establishment of wellhead protection measures for wells serving public water supplies."

Clause (9) authorizes the commissioner of health to adopt rules including the "establishment of procedures to coordinate the collection of well data with other state and local governmental agencies."

**Public comment.** The MDH anticipates adoption of the revised rules by July 1996. A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity under *Minnesota Statutes*, section 14.14. The department is also directly notifying the owners of community and nontransient noncommunity public water supply systems through direct mailing of this notice and newsletters to system owners and operators.

The department has, since 1990, discussed rule provisions with the members of various advisory groups whose membership has included representatives of public water suppliers, local government, state agencies, agribusiness, environmental consulting, environmental organizations and the general public.

If you want to be informed of the time and location of any further advisory group meetings, or to receive a copy of draft rules, provide a written request to:

Bruce Olsen  
Minnesota Department of Health  
121 E. Seventh Place, P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
(612) 215-0796 Facsimile (612) 215-0979  
TDD: (612) 623-5522 1-800-627-3529

Written comment should be addressed to Mr. Olsen. Oral comment will be received during regular business hours over the telephone and in person at the above addresses. All statements of information will be accepted until the proposed rules are published in the *State Register*. Any written material received in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt rules is started.

Patricia A. Bloomgren, Director  
Division of Environmental Health  
Department of Health

This notice can be made available in alternative formats.

## **Minnesota Historical Society**

### **State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, November 16, 1995, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call 612/296-5434, or TTY 612/282-6073. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

## **Department of Human Services**

### **Health Care Administration**

### **Notice of Expansion of Prepaid Medical Assistance Program and Prepaid General Assistance Medical Care Program**

The Department of Human Services (Department) currently administers the Prepaid Medical Assistance Program (PMAP) and the Prepaid General Assistance Medical Care Program (PGAMCP) in Anoka, Carver, Dakota, Hennepin, Itasca, Ramsey, Scott, and Washington counties and is in the process of expanding PMAP and PGAMCP in Benton, Stearns, Sherburne, Carlton, Cook, Koochiching, Lake, and St. Louis counties. In November, 1995, the Department will also begin the process of expanding these managed care programs into the remaining seventy-one counties in Minnesota. During November and December, 1995 Department staff will meet with county directors, commissioners, and staff to solicit county input and inform county staff about the prepaid managed care programs. The Department has also scheduled managed care workshops during November and December, 1995 for current fee-for-service providers serving clients of Minnesota Health Care Programs.

The Department anticipates issuing a Request For Proposals for the expansion of PMAP and PGAMCP in the remaining seventy-one counties in January, 1996, with responses from interested health plans due in March, 1996. Enrollment of eligible MA and GAMC populations is anticipated to begin in September, 1996 and will be staged regionally over a three to four month period. Under this timeline, PMAP and PGAMCP enrollees will begin accessing health care services through contracting health plans on November 1, 1996. All eligible enrollees will be enrolled by February, 1997.

## **State Board of Investment**

### **Administrative Committee Meeting Notice**

The State Board of Investment Administrative Committee will meet on Wednesday, November 22, 1995 in the SBI Conference Room, MEA Building, Room 105, 55 Sherburne Avenue, St. Paul, MN from 10:00 A.M. to 11:00 A.M.

## **Department of Labor and Industry**

### **Labor Standards Division**

### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective November 13, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Primary Electric Repairs and Modifications Lino Lakes MCF-Lino Lakes.

**Brown:** Flandrau State Park Group Camp Bldg Rehabilitation-New Ulm.

**Crow Wing:** Maintenance Shop-Deerwood.

## Official Notices

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**Hennepin:** Kenwood School Asbestos Abatement-Minneapolis; School Asbestos Abatement-Minneapolis; Fulton School Asbestos Abatement-Minneapolis; Longfellow School Asbestos Abatement-Minneapolis; Golden Valley Lunch Room HVAC-Golden Valley; Lighting Upgrades Phase II-Minneapolis.

**Itasca:** Indoor Horseback Riding Arena-Nashwauk.

**Ottertail:** Parkers Prairie Facilities Replacement Fire Hall & City Hall-Parkers Prairie.

**Ramsey:** Governors Residence Accessibility Improvements-St Paul.

**St Louis:** Hoyt Lakes Country Inn and Suites-Hoyt Lakes.

**Washington:** Cottage Grove WWTP Employee Facilities-Cottage Grove.

**Winona:** Lewiston Public School Electrical Facilities-Lewiston.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## Metropolitan Council

### Environmental Services

#### Public Notice for Letters of Interest for Professional Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Environmental Services is soliciting qualifications and proposals for goods and professional services for the MWWTP Process Control System Memory Bridge Project (MCES Project Number 910800). The estimated cost for goods and services is in the range of \$100,000 to \$300,000.

The scope of this project includes providing hardware and software necessary to build a "connection" between MCES's existing Modcomp Classic system and the new distributed control system (yet to be procured), and to store the data (approximately 8000 points with compression algorithm) in a way which will be compatible with the new distributed control system. This needs to be accomplished with direct read/write memory access to the Modcomp computers (transparent to Modcomp) and with no rewrite of Modcomp software or database.

The project requires significant coordination efforts between MCES staff, the Metro Process Control System Design Consultant and others to ensure that the control system and programming meets the needs of the Project as well as the ongoing needs of the Plant.

All firms interested in being considered for this project are invited to send a Letter of Interest.

All inquiries and submittals are to be addressed to:

Jan Bevins, Contracts and Documents  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
(612) 229-2132

## Metropolitan Council

### Public Hearings on 1996 Work Program and Budget, 1996-2000 Capital Improvement Program and 1996 Capital Budget

The Metropolitan Council will hold public hearings on the Council's proposed 1996 work program and budget, the 1996-2000 capital improvement program and the 1996 capital budget. These hearings will be as follows:

- **Metropolitan Council 1996 Work Program and Budget Hearing**  
6 p.m., Thursday, December 7, 1995

Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth Street  
St. Paul, MN

- **Metropolitan Council 1996-2000 Capital Improvement Program and 1996 Capital Budget Hearing**  
6:30 p.m., Thursday, December 7, 1995  
Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth Street  
St. Paul, MN

All interested persons are encouraged to attend the hearings and offer comments. People may register in advance to speak by calling 291-6554 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Written comments, which must be received by Noon, Dec. 21, 1995, should be sent to Richard Johnson, Associate Regional Administrator, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Comments may also be faxed to Mr. Johnson at 291-6358.

Copies of the public hearing drafts of the Council's proposed 1996 work program and budget, 1996-2000 capital improvement program and 1996 capital budget may be obtained from the Council's Data Center by calling 291-8140 or 291-0904 (TTY).

These hearings are in addition to a December 4th Truth-in-Taxation hearing scheduled for the Metropolitan Council, Metropolitan Airports Commission and Metropolitan Mosquito Control Commission.

## State Retirement System

### Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Thursday, November 16, 1995, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

## Department of Natural Resources

### Bureau of Real Estate Management

#### Notice of Proposed Conveyance for the Purpose of Correcting Legal Descriptions of Boundaries Affecting the Ownership Interests of the State and Adjacent Landowners

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by Gordon D. and Julie A. Nodsle (*Minnesota Statutes* 84.0273, 1993). The State originally acquired its property by Warranty Deed recorded in the Office of the Becker County Recorder September 22, 1967 in Book 213 of Deeds, page 653. The State will exchange quit claim deeds with the adjacent owner in order to resolve the boundary discrepancy. The deed from the State to Gordon D. and Julie A. Nodsle will contain the following legal description:

That part of Government Lot 1 of Section 24, Township 139 North, Range 41 West, Becker County, Minnesota, lying easterly of a straight line drawn from a point on the north line of said Government Lot 1 a distance of 1250 feet westerly of the northeast corner of said Government Lot 1 to a point on the south line of said Government Lot 1 a distance of 1390 feet westerly of the southeast corner of said Government Lot 1; containing 40 acres, more or less.

For further information, contact Martha Bonneville at the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-0636.

## Public Utilities Commission

### NOTICE AND ORDER FOR HEARING: In the Matter of the 1995 Application of Northern States Power Company for a Certificate of Need for Approximately 100 Megawatts of Wind Generation DOCKET NO. E-002/CN-95-865 ISSUE DATE: November 2, 1995

Joel Jacobs	Chair
Tom Burton	Commissioner
Marshall Johnson	Commissioner
Dee Knaak	Commissioner
Don Storm	Commissioner

#### Procedural History

On September 25, 1995, the Commission issued its ORDER GRANTING EXEMPTION FROM CERTAIN CERTIFICATE OF NEED FILING REQUIREMENTS AND VARIANCE. In that Order the Commission granted Northern States Power Company (NSP or the Company) an exemption from certain requirements for its upcoming certificate of need filing.

On September 25, 1995, NSP filed the certificate of need application. NSP requested a certificate of need to build 100 megawatts (MW) of wind generation in an area known as "Buffalo Ridge" in southwestern Minnesota.

A copy of the Company's application is on file in the offices of the Department of Public Service, Suite 200, 121 Seventh Place East, St. Paul, MN 55101-2145 and is open for public inspection during regular office hours.

On October 19, 1995, the Commission met to consider this matter.

#### Findings and Conclusions

##### I. Jurisdiction; Referral For Contested Case Proceedings

The Commission has jurisdiction over applications for certificates of need for large electric generating facilities under *Minnesota Statute* § 216B.243 (1994). The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statute* § 216B.243, subd. 4 (1994).

The Commission finds that it cannot satisfactorily resolve all issues raised by the Company's application on the basis of its filing and the single public hearing required under the statute. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

##### II. Issues to be Addressed

*Minnesota Statute* § 216B.243 (1994) and *Minnesota Rules*, parts 7849.0010-7849.0400 set forth criteria which must be met to establish need for proposed large energy facilities, including the proposed wind generation plant. Parties to this proceeding shall address whether the proposed facility meets these criteria.

##### III. Public Participation

*Minnesota Statute* § 216B.243, subd. 4 (1994) encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated a staff member, David L. Jacobson, to coordinate public participation in this proceeding. Mr. Jacobson may be reached by telephone at (612) 297-4562 and by FAX at (612) 297-7073. His address is 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing and to submit testimony and exhibits. Persons who cannot attend the public hearing and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

**IV. Procedural Outline****A. Administrative Law Judge**

The Administrative Law Judge assigned to this case is Allan W. Klein. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401-2138; (612) 341-7609.

**B. Hearing Procedure**

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statute* §§ 14.57-14.62 (1994); the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200. Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, (612) 297-3000.

Under these rules parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with Judge Klein within 20 days of the date of this Notice and Order for Hearing. Failure to appear at the hearing may result in facts and issues being resolved against the party who fails to appear.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. They should take note that any material introduced into evidence may become public data unless a party objects and requests relief under *Minnesota Statute* § 14.60, subd. 2 (1994).

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to Margie Hendriksen, Special Assistant Attorney General, 121 Seventh Place East Suite 350, St. Paul, Minnesota 55101-2147, (612) 296-0410.

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

**C. Intervention**

Persons wishing to become formal parties to this proceeding shall promptly file petitions to intervene with Judge Klein. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

**D. Prehearing Conference**

A prehearing conference will be held in this matter on Wednesday, November 15, 1995, at 9:30 A.M. in the Large Hearing Room at the Commission offices, 121 Seventh Place East Suite 350, St. Paul, Minnesota 55101-2147.

Persons intending to intervene in the matter should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the locations and dates of public hearings, discovery procedures, and similar issues.

**E. Time Constraints**

Under *Minnesota Statute* § 216B.243, subd. 5 (1994), the Commission is required to act on the Company's application within six months of receipt of a substantially complete filing.

The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

**F. Application of Lobbying Provisions**

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 et seq. (1994), apply to certificate of need proceedings. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Minnesota Ethical Practices Board, telephone number (612) 296-1720, with any questions.

**G. Ex Parte Communications**

Restrictions on ex parte communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300-7845.7400, which all parties are urged to consult.

## Official Notices

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### H. Investigation by the Department of Public Service; Information Requests

The Department of Public Service (the Department) shall initiate an investigation to determine the reasonableness of granting a certificate of need to the Company.

The Company shall facilitate the Department's investigation in every reasonable way.

The Commission notes that it has delegated to the Department the responsibility to prepare a draft environmental report, under guidelines specified in *Minnesota Rules*, part 4410.7100, for inclusion in the hearing record. See, ORDER ACCEPTING APPLICATION AND DELEGATING PREPARATION OF ENVIRONMENTAL REPORT, November 2, 1995.

All parties shall furnish adequate responses to all reasonable information requests from other parties within ten days.

### ORDER

1. A contested case hearing shall be held on the Company's certificate of need application. The proceeding shall begin with a prehearing conference on Wednesday, November 15, 1995, at 9:30 A.M., in the Large Hearing Room, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.
2. The Department shall initiate an investigation to determine the reasonableness of granting a certificate of need to the applicant. NSP shall facilitate the Department's investigation in every reasonable way.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with the Commission.
4. All parties to this proceeding may serve information requests on any other party. Information requests shall be answered within ten days of receipt.
5. NSP shall provide notice of the public and evidentiary hearings in newspapers of general circulation at least ten days prior to the start of the hearings. Such notice shall be in the form of visible display ads. The Company shall consult with Commission Staff on the timing, text and distribution of such ads prior to publication. The Company shall file proofs of publication of such ads from the newspapers selected.
6. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (612) 297-1200 (TDD/TTY) or 1 (800) 657-3782.

October 12, 1990

### ATTACHMENT A

#### BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

#### FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

121 Seventh Place East Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the 1995 Application of  
Northern States Power Company for a Certificate  
of Need for Approximately 100 Megawatts of Wind  
Generation

MPUC Docket No. E-002/CN-95-865

OAH Docket No.

### NOTICE OF APPEARANCE

Date of Hearing:

Name and Telephone Number of Administrative Law Judge:

Judge Allan W. Klein  
(612) 341-7609

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: \_\_\_\_\_

DATE: \_\_\_\_\_

## **Department of Transportation**

**Division of Transportation Research Investment Management  
Office of Investment Management**

### **Public Hearing on Proposed Summary for the Minnesota Statewide Transportation Plan**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation (Mn/DOT) will hold public hearings on the draft version of the summary of the Minnesota Statewide Transportation Plan. The hearings will be held at:

**CITY:** Brainerd  
**DATE:** Monday, November 27, 1995  
**TIME:** 3:00 p.m. - 5:00 p.m.  
**LOCATION:** 1991 Industrial Park Road  
Baxter, Minnesota;

and,

**CITY:** Mankato  
**DATE:** Tuesday, December 19, 1995  
**TIME:** 1:00 p.m. - 3:00 p.m.  
**LOCATION:** Minnesota Valley Regional Library Auditorium  
100 East Main St.  
Mankato, Minnesota

All interested persons have an opportunity to comment on the proposed summary of the Statewide Transportation Plan. A single copy of the proposed summary may be obtained and written comments may be submitted by writing or calling:

**Jonette Kreideweis**  
**Minnesota Department of Transportation**  
**Mailstop 440 Transportation Building**  
**395 John Ireland Boulevard**  
**St. Paul, Minnesota 55155**  
**(612) 296-8477**  
**Fax: (612) 296-3019**

# State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Economic Security

### Division of Community Based Services Dislocated Worker Unit

#### Pilot Program

Eligible organizations interested in taking part in a pilot program in accordance with Section 268.9783 of the *Laws of Minnesota*, may apply to the Minnesota Department of Economic Security (MDES), Dislocated Worker Unit. The pilot program is for the purpose of providing skill based training, for dislocated workers and workers "at risk" of dislocation, that will result in stable employment opportunities.

Participating businesses must demonstrate a need for training assistance and are required to match State resources dollar for dollar. Approximately 1.4 million dollars are available through June 30, 1996. The Governor's Workforce Development Council will review requests for funding in January and May of 1996.

Interested parties may obtain a grant application containing complete proposal requirements and application submission dates from the Dislocated Worker Unit at 390 N. Robert St., St. Paul, MN 55101. The contact for this project is Connie McGowan, 612-297-1965. Limited assistance is available to applicants. Verbal instructions or explanations are not binding on the State or the Department. The submission of an application does not obligate the State of Minnesota or the MDES in any respect with regard to selection of projects for funding or costs incurred in the application process.

November 2, 1995

## Office of Environmental Assistance (OEA)

### Notice of Grant Funds Available

The Solid Waste Management Processing Facilities Capital Assistance Program (CAP) was established by the Minnesota Legislature to provide financial and technical assistance to local governments to encourage the proper management of solid waste.

The objective of the CAP program is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The CAP Program is intended to encourage and assist the development and implementation of solid waste processing facilities, and to transfer the knowledge and experience gained from those projects to other communities in the state.

This notice is issued by the OEA Director under authority provided in *Minnesota Rules* Parts 9210.0100 to 9210.0180. The purpose of this notice is to solicit preliminary applications for projects that meet the CAP Program objectives.

Cities, counties, solid waste management districts, and sanitary districts are eligible to apply for CAP grant assistance. Projects eligible for CAP grants are solid waste processing facilities that include resource recovery. Examples of eligible facilities are waste-to-energy facilities, composting facilities, recycling facilities, projects to improve control of or reduce air emissions, and transfer stations that will serve waste processing facilities.

Depending on the project type, a project may receive funding of 25 or 50% of the eligible capital cost, up to a maximum of \$2 million. However, multi-county projects with an intercounty cooperative agreement may receive 25 or 50% of the eligible capital costs, or up to \$2 million times the number of participating counties, whichever is less. A project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least 10 years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75% of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility.

Copies of the CAP Procedures Manual, including the statutes and rules applicable to the program, and application forms are available by contacting:

Mary James  
Office of Environmental Assistance  
520 Lafayette Road No., Second Floor  
St. Paul, Minnesota 55155-4100  
(612) 215-0194, or 1-800-657-3843 (toll-free in Minnesota)

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## Professional, Technical & Consulting Contracts

The OEA CAP Grant staff will meet with interested applicants to discuss the proposed project, the CAP program and the grant process, prior to applicant's submission of the preliminary grant application. All submissions should be unbound, single-sided, page numbered, and on 8 1/2" by 11" paper.

Preliminary applications meeting the requirements of *Minnesota Statutes* 115A.51, 115A.54, and *Minnesota Rules* Parts 9210.0100 to 9210.0180 must be received by the OEA at the above address by 4:30 p.m., CST, Friday, January 26, 1996.

Preliminary applications should be mailed or hand delivered to the OEA. Faxed submittals will not be accepted.

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## Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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## Department of Administration

### State Designer Selection Board

### Request for Proposals for Three University of Minnesota Projects

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designers for three upcoming University of Minnesota projects. Design firms who wish to be considered for these projects should deliver separate proposals for each project on or before 4:00 p.m., December 5, 1995 to:

Mary Closner  
Executive Secretary, State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000

#### The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces will be allowed.
- 3) The cover sheet of the proposal must be clearly labeled with the Project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
- b) Names of the persons responsible for both the management and production of the work including consultants and Minnesota registration numbers.
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team.
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work.
- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting

## Professional, Technical & Consulting Contracts

this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call and leave your fax number for a copy of the acceptable format for providing this information.

f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.

5) Additional Proposal Contents:

a) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the Project at hand.

b) A discussion of the firm's understanding of and approach to the Project.

c) A listing of relevant past projects.

d) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

6) Other design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the Project herein described or the fee format form may be referred to Mary Closner at (612) 296-4655.

### 7a) PROJECT 12-95

#### Williamson Hall Phase II Project

#### U of M - Minneapolis Campus

#### PROJECT DESCRIPTION

The University of Minnesota is planning to repair and replace systems in Williamson Hall which is located on the U of M Minneapolis campus. The scope of the project includes the following:

Repairs and modification to the air handling system to allow hookup to a new chilled water loop, plaza waterproofing, ADA modifications, escalator replacement, and fire and life safety improvements at stairs and corridors.

#### CONSTRUCTION BUDGET/FEEES

Total project cost is estimated at \$2,300,000, of which \$1,725,000 is for construction. The basic services fee available for design, construction documents, bidding, construction administration, and reimbursables is \$155,000.

#### INFORMATIONAL MEETING - SITE INSPECTION

An informational walk through will be scheduled approximately one week prior to the proposal due date. Please contact Marilyn Rosberg (626-8791) for details.

**PROJECT CONTACT**

Linda McCracken-Hunt, Director of Project Development  
U of M - Twin Cities Campus  
Facilities Management  
400 Shops Building  
319 - 15th Avenue S.E.  
Minneapolis, MN 55455  
Phone: (612) 624-5758 Fax: (612) 625-2595

**STATE DESIGNER BOARD SCHEDULE**

Wednesday, December 20, 1995 Shortlist  
Tuesday, January 9, 1995 Interviews

**7b) PROJECT 13-95**

**Remodeling of Room #200 of the Chemistry Building**  
**U of M - Duluth Campus**  
**Duluth, MN**

**PROJECT DESCRIPTION**

The University of Minnesota is planning to correct numerous deficiencies, accessibility issues, safety concerns, and building code requirements at the U of Minnesota - Duluth in Room #200 of the Chemistry facility which is an auditorium for 380 students.

The scope of the project includes full architectural/engineering services for the project including mechanical, electrical, architectural, acoustical, audiovisual, scheduling, and cost estimating services. The essential upgrades are expected to include demolition of the room interior, (removal of asbestos materials will be by separate contracts at University direction), installation of new wall, floor, and ceiling treatments, upgrading of ventilation and air conditioning systems, full fire protection systems, new seating, and flexibility for enhanced audiovisual presentation.

**CONSTRUCTION BUDGET/FEES**

The current construction budget is anticipated to be approximately \$666,000. The project cost, including all fees and permits, has been fixed at \$850,000. The maximum designer fee available for all phases of the project, including programming, additional construction phase services and all travel and reimbursables, is approximately \$70,000.

**DESIGNER REQUIREMENTS**

A designer should have applicable prior experience in building and auditorium renovation, code compliance corrections, fire and life safety, acoustics, auditorium audiovisual design, and cost estimating. It will be necessary for the design team to thoroughly evaluate the room deficiencies and provide the most cost-effective solution to completely upgrade the room within the available funding. Good design practices with careful planning and prioritization within the available funds, will be considered as an asset.

**TIME SCHEDULE**

Overall project scheduling for planning and phasing of the project is essential in order to insure delivery of the completed project by the start of classes in September of 1997. Given the heavy usage of this space, it will be necessary to keep the room in service as long as possible and minimize the amount of time for demolition and construction. Project team will be responsible to monitor contractor's forces and work closely with both the contractor and University to insure timely project delivery.

**INFORMATIONAL MEETING - SITE INSPECTION**

A site tour will be limited to firms shortlisted for final interview and will be scheduled before the final interviews.

**PROJECT CONTACT**

Charles K. Koncker, Senior Project Manager  
U of M - Twin Cities Campus  
Facilities Management  
400 Shops Building  
319 - 15th Avenue S.E.  
Minneapolis, MN 55455  
Phone: (612) 624-0828 Fax: (612) 625-2595

**STATE DESIGNER SELECTION BOARD SCHEDULE**

Wednesday, December 20, 1995 Shortlist  
Tuesday, January 9, 1995 Interviews

## Professional, Technical & Consulting Contracts

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### 7c) PROJECT 14-95

**Remodeling and Addition to the Minnesota Limnology Station**

**London Road at the Lester River**

**Duluth, MN**

#### PROJECT DESCRIPTION

The University of Minnesota is planning to remodel and expand the Limnology Station located on London Road at the Lester River in Duluth, Minnesota. The scope of the project will initially include architectural/engineering conceptual and estimating services to develop a project concept and budget for fund raising. A selected designer should expect to assist in the fund raising process with conceptual images, cost estimates and project scoping. Ultimately when project funding has been secured, full architectural/engineering historic preservation, and cost estimating services will be required. The existing facility is on the Historic Register, and is located on the shore of Lake Superior. It consists of an office/meeting facility, a residence, and a boathouse/storage building. All three facilities are expected to be retained and upgraded to meet current building codes and accessibility standards. All three facilities are also expected to be cleaned, repaired, and protected as required to preserve their integrity. The program will be enhanced to provide additional onsite housing and research laboratory space. The facility will be used for conferencing and teaching of short courses in limnology and toxicology with potential for environmental research and extension/outreach activities. The proposed office/meeting/laboratory facility shall take full advantage of the site's beautiful setting and unique character.

The facility was originally constructed in 1887 as a federal fish hatchery. Through the years, the use of the building has changed many times with the University acquiring the property in 1947, but its overall appearance has been fairly well preserved. The historic significance and character of the buildings and ultimately the proposed complex are an important element of this project. All renovation and expansion shall take into account the unique 1887 character of the complex. The current facilities are wood-framed with masonry foundations. A construction/project budget will be established as a result of the design team's conceptual design. The fund raising will proceed upon completion of the conceptual design, which will begin immediately.

#### CONSTRUCTION BUDGET/FEEES

Designer fees for the current conceptual study phase of the project are limited and will be negotiated upon reviewing the team's service proposal.

#### DESIGNER REQUIREMENTS

The designer should have applicable prior experience in historic building renovation, historic building preservation, code compliance corrections, ADA accessibility, fire and life safety, laboratory design, structural evaluation and cost estimating. It will be necessary for the designer to thoroughly evaluate the numerous deficiencies and provide the most cost effective solutions to carefully correct and preserve this facility to last another century. The selected team will be required to evaluate and prioritize all the work that relates to developing a funding strategy to meet the program expectations. Good design practices with careful planning and prioritization of work to minimize the funding required while maximizing the restoration and program enhancements for the facility, is important to the process. The designer must preserve the historical physical asset and provide the facility with an opportunity to remain economically viable.

#### INFORMATIONAL MEETING - SITE INSPECTION

A site tour will be limited to firms shortlisted for final interview and will be scheduled before the final interviews.

#### PROJECT CONTACT

Charles K. Koncker, Senior Project Manager

U of M - Twin Cities Campus

Facilities Management

400 Shops Building

319 - 15th Avenue S.E.

Minneapolis, MN 55455

Phone: (612) 624-0828 Fax: (612) 625-2595

#### STATE DESIGNER SELECTION BOARD SCHEDULE

Wednesday, December 20, 1995 Shortlist

Tuesday, January 9, 1996 Interviews

Maureen Steele Bellows, Chair  
State Designer Selection Board

## Department of Children, Families and Learning

### Office of Graduation Standards

#### Proposals Sought for Assisting the Department in Design and Implementation of a Comprehensive Assessment System for Graduation Standards

##### SCOPE OF THE PROJECT

The Department of Children, Families and Learning (CFL) requests proposals to assist the department in designing and implementing a comprehensive assessment system that meets: 1) the state legislated requirements for the assessment of graduation standards; and 2) the federal mandates of the Improve America's Schools Act (IASA).

##### GOALS

1. Develop and implement a secure testing program that will satisfy the Basic Requirements Assessments in Mathematics and Reading. The responder will spiral new test items, print, distribute, administer, score and report the assessments in the school year 1995-1996.
2. Determine content and develop items for Writing, Science and Health tests. This includes redrafting of specifications, content review in conjunction with CFL, item writing and the production of drafts ready for pilot testing in 1996-97. The materials used for the pilot tests must be treated as secure data.
3. Develop a multi-measure system for students in grades 3 and 5 based on content determinants for Integrated Skills Assessments. Specify research design, specifications, item development and preparation for field testing in 1996-97.

##### PROJECT COSTS

The department has estimated that the cost of this project in the first project period should not exceed 1.6 million dollars. Cost limitations are estimated to be: Goal 1, \$600,000; Goal 2, \$600,000; Goal 3, \$400,000.

##### PROJECT COMPLETION DATE

The anticipated term of the project is for up to five years, through June 30, 2000. The anticipated term of the first contract period is January 2, 1996 through July 31, 1996. Contingent upon funding, and with the agreement of both parties, the contract may be renewed for the remainder of state fiscal year 1997 and state fiscal years 1998, 1999 and 2000.

##### PRE-PROPOSAL CONFERENCE

All potential responders must attend a mandatory Pre-Proposal Conference scheduled for 9:00 to 12:00 A.M. on November 21, 1995. The conference will be held in Room 500 North, 5th floor, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155. The purposes of the meeting are to review pertinent pilot test results, review reporting requirements, and to respond to as many questions as possible. Please direct written questions to Betsy Case at the address below by Friday, November 17, 1995. Questions may be faxed to (612) 282-5892.

##### COPIES OF RFP

Copies of the RFP may be obtained by contacting:

Betsy Case, Director  
Office of Grants and Development  
650 Capitol Square Building  
St. Paul, Minnesota 55101  
Phone: (612) 282-5891

Do not send requests for the RFP by facsimile or electronic mail.

Proposals must be received no later than 4:00 p.m. central standard time December 4, 1995.

## Professional, Technical & Consulting Contracts

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### The Legislative Coordinating Commission

#### Proposals Sought for Sign Language Interpreter Services

The Legislative Coordinating Commission of the Minnesota Legislature is requesting proposals to contract for sign language interpreter services to ensure that needed services are available during the legislative session. The LCC is seeking to contract with an individual or organization to provide sign language interpreter services for deaf, hard of hearing and deaf/blind individuals to increase the accessibility of legislative committee hearings, floor sessions and meetings with individual members.

The total cost of this contract may not exceed \$10,000. If services are required at a higher than anticipated rate it is possible to amend the contract for additional funding of up to \$5,000.

Proposals must be received by 4:30 p.m., Thursday, November 30, 1995. Copies of the RFP are available from:

Legislative Coordinating Commission  
Room 85, State Office Building  
St. Paul, MN 55155  
612/296-9002

### MnSCU, Minnesota State Colleges and Universities

#### Proposals Sought for Sexual/Racial Harassment Investigation Training

This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Purpose:** Two, two-day Training Sessions "How to Investigate a Discrimination Complaint" Focus on Sexual/Racial Harassment.

**Timing of Sessions:** Contractor will provide a total of nine hours of training for each two-day session. There is a total of 13 hours of training over the two-day period and contractor will integrate a four-hour block for specific information related to labor relations grievances and Minnesota Data Practices Act to be performed by representatives from the Attorney General's Office.

**Target Population:** Minnesota State Colleges and Universities Affirmative Action Officers, Sexual Harassment Officers and Campus Administrators.

**Number of Participants:** 60 each training session for a total of 120.

**Location:** Regional. One taking place in the northern tier of the state, the other taking place in the southern tier of the state.

**Number of Facilitators:** Two practitioners with extensive experience in investigations and training. Will consider one practitioner and one highly skilled and capable facilitator.

**Content of Training:** Structured investigative practices and subject to integrating a case study with an education community focus. The contractor will be required to work with Minnesota State Colleges and Universities staff and the Attorney General's Office in preparing the content of the training sessions. The Minnesota State Colleges and Universities will have rights to any material developed.

**Training Dates:** Training events to occur in mid and late January, 1996.

Responders may propose additional tasks or activities if they will substantially improve the results of the project.

Prospective responders who have any questions regarding this request for proposal may call or write:

Timothy T. Price  
Associate Vice Chancellor for Equal Opportunity and Diversity  
Minnesota State Colleges and Universities  
230 Park Office Building, 555 Park Street  
St. Paul, MN 55103  
(612) 296-5313

Other department personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

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## Professional, Technical & Consulting Contracts

Proposals must be postmarked by December 6, 1995. Late proposals will not be accepted. Send to:

Timothy T. Price  
Associate Vice Chancellor for Equal Opportunity and Diversity  
Minnesota State Colleges and Universities  
230 Park Office Building  
555 Park Street  
St. Paul, MN 55103

Submit 2 copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract. The office has estimated that the cost of this project should not exceed \$15,000.00.

All proposals received by the deadline will be evaluated by representatives of the Minnesota State Colleges and Universities and the Attorney General's Office. In some instances, an interview may be part of the evaluation process. Factors on which proposals will be judged include, but are not limited to, the following:

- A. Expressed understanding of proposal objectives.
- B. Work Plan.
- C. Cost detail.
- D. Qualifications of both company and personnel. Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm.

It is expected that evaluation and selection will be completed by December 8, 1995.

The successful responder will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirement, if applicable, prior to execution of the contract.

Dated: 7 November 1995

# Non-State Public Bids, Contracts & Grants

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Hennepin County

### Department of Public Works

#### Proposals Sought for Land Use Planning

**NOTICE IS HEREBY GIVEN** that Hennepin County, Department of Public Works - Transportation Division desires to retain professional consulting assistance for the land use planning phase of the Transportation Systems Plan (HC-TSP). The HC-TSP's goal is to establish an on-going transportation planning process to anticipate and efficiently accommodate the travel mobility needs of the public, especially residents of Hennepin County.

The county needs to develop an accurate understanding of existing and potential future land use development trends in order to project and program future improvement projects. Future land use scenarios need to be examined which incorporate the viewpoints of the individual community comprehensive plans and the overall metropolitan development potential documented by the Metropolitan Council.

The consultant's role will be to 1) establish and run a land use review committee, 2) review and comment on existing land use information provided by county staff, and 3) assist in developing 3 or 4 future land use growth scenarios for analysis with the transportation modeling process.

Copies of the Request for Proposals may be obtained from:

Robert H. Byers, P.E.  
Hennepin County Transportation Division  
320 Washington Avenue South  
Hopkins, MN 55343-8468  
Phone: (612) 930-2679

An estimated budget of \$25,000.00 has been established for this project. Responses to the Request for Proposals are due by 4:15 p.m. on Friday, December 1, 1995. Proposals should be submitted to the County at the above address.

Dated: 4 November 1995

Thomas D. Johnson  
Transportation Planning Engineer  
Hennepin County Department of Public Works

## For the Business Reference Desk

### SIC Manual

Standard Industrial Classification (SIC) Manual offers an index to industries. Defines industries and covers all economic activities. Alphabetical index included. 705pp. (U.S. Ofc. of Mgmt. & Budget, 1987) Stock No. 16-33 \$24.00

### Occupational Outlook Handbook '94-'95

Handbook provides descriptions of what workers do in a wide variety of occupations. Includes forecast and job prospect data, training and education requirements, earnings, and working conditions. 473pp. (U.S. Labor, 1994) Stock No. 16-36 \$33.00

### Dictionary of Occupational Titles

Comprehensive, up-to-date catalog includes the standard job classification system used nationally. Includes job descriptions and additional information regarding long-range projections, etc. 2-volume set, 1404pp. (U.S. Labor, 1991-4th edition) Stock No. 16-62 \$40.00

### U.S. Industrial Outlook '92

Business forecasts for 350 industries. Includes 450 easy-to-read tables and charts, profiles and forecasts on international trade, industry review and analyses and more. 540pp. (U.S. Commerce, 1992) Stock No. 16-37 \$32.00

## Motor Vehicles-----



New!

### Greggs Reference Manual

Essential business English resource provides detailed information and examples of correct grammar, usage and style PLUS editing techniques and formats. Spiral-bound edition, 502pp. (Macmillan/McGraw-Hill, 1993) Stock No. 19-14 \$16.95

### Getting it Printed

Subtitled "How to Work with Printers and Graphic Arts Services to Assure Quality, Stay on Schedule and Control Costs", this publication provides a comprehensive guide for the novice and experienced alike. 236pp. (Coast to Coast, 1986) Stock No. 19-90 \$29.50

### PMS Color Chart Book

A MUST for staff involved with color printing and graphic design. Ink color swatches of PMS (Pantone Matching System) used by print shops. Stock No. 19-1 \$60.00

New!

### Statistical Abstract of the United States - 1993

The "National Data Book" covers statistics on everything from population to national defense, from education to parks and recreation, from labor force to agriculture.... 1000pp. (U.S. Commerce, 1993) Stock No. 16-38 \$32.00

Revised!

### Motor Vehicle Tax Manual 1994

Manual offers instructions and tables for determining registration tax for passenger vehicles, trucks, trailers and other taxes and fees. 165pp. (Public Safety, 1994) Stock No. 10-87 \$12.95

### Base Value Guides....

Check the "blue-book value" on vehicles manufactured any time from 1973--1994. Call for more information. (Public Safety)

